

March 6, 1979

The House Highways and Transportation Committee convened on March 6, 1979, at 1:30 p.m., in room 20 of the Capital Annex, with Chairman Baeth presiding and fourteen members present (excused were Reps. Fabrega and Rosenthal), to hear testimony on the following bills.

SENATE BILL 113      SENATOR CARROLL A. GRAHAM, District 29, the chief sponsor, said this bill was at the request of the Code Commissioner and revises and clarifies the law relating to motor vehicles. He introduced the following proponent who, he said, would explain the bill.

DAVID COGLEY, Code Commissioner Staff, referred the committee members to the green summary sheets (exhibit 1) and briefly discussed the highlights. One point discussed at length was that arrests of DWI-Alcohol could now only be made on public highways and not on private property. A further summary of SB 113 is exhibit 2 of the minutes.

BILL ROMINE, speaking for self, said he favored the change mentioned above.

Mr. Cogley suggested an amendment on page 18, line 2, to strike "LICENSE" and insert "the manufacturer's identification."

SENATE BILL 304      SENATOR JEAN A TURNAGE, District 13, the chief sponsor, said this bill was at the request of the Motor Fuels Division to enlarge the definition of "special fuel dealer" to include any person providing a facility from which more than one special fuel user obtains special fuel.

NORRIS NICHOLS, Administrator, Motor Fuel Tax Division, said they have a problem which could become bigger as key locks and the like become more used. The problem, since these pumps are unattended, is to determine the tax due the state. The bill asks for a little more clarification.

Senator Turnage said this bill will give the department a chance to administer the act.

HOUSE BILL 406      SENATOR MAX CONOVER, District 36, left a copy of several amendments (exhibit 3). He said this bill will permit implement dealers within the state to transport machinery out to farms on Saturdays and Sundays. This bill would also provide for a \$75 oversize permit. He said the fiscal note attached is not correct.

AVIS ANN TOBIN, Montana Hardware and Implement Association, said this bill would allow them to move their implements over the week end. She said they also favor the reduced permit rate.

BILL ROMINE, Montana Automotive Dismantlers and Recyclers Assoc., said at the present time the farmer can't move his machinery on Saturdays and Sundays. He felt this bill shouldn't just apply to the dealer.

HENRY E. LOHR, Townsend, Hank's Salvage and Recycling, spoke in support of the bill.

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ART WEAVER, Great Falls, representing self, spoke in support of the bill. He said he doesn't like to deliver on a week end but there are times when it is needed. He said this would help the agricultural community.

Sen. Conover closed and the meeting was opened for questions from the committee. Rep. Keyser mentioned that custom combiners are allowed now to travel until Saturday noon. In response to a question, Don Copley, Department of Highways, said the present law permits items of harvest to be moved during that season on week ends, and farmers are allowed to move within one hundred miles of their base of operations. He said the permit would now be open ended. He said they have no position on the bill. Rep. Lien asked why it was more of a problem on week ends than on week days. Rep. Keyser said on week ends there are oversize campers and trailers as people head out for the week end which is why the restriction was put on. Mr. Weaver said as the law is now he can't deliver the machinery on a week end but the farmer can drive it down the highway--he questioned which was safer. Rep. Keyser asked Mr. Weaver if there might be a lot of shuttling of machinery from one dealer to another. Mr. Weaver didn't think so--felt this would be done during the work week.

TERRY W. BASS, Montana Contractors Assoc., signed as opposing this bill.

SENATE BILL 450 SENATOR TOM HAGER, District 30, the chief sponsor, said this would provide for the removal and disposal of abandoned motor vehicles on private property. He said now if a car is abandoned on the public right-of-way the sheriff of that county will pick it up; but if abandoned on private land it is the responsibility of the owner of the land.

BILL ROMINE, Montana Automotive Dismantlers and Recyclers Association, spoke in support of the bill. A copy of his testimony is exhibit 4 and part of the minutes.

HENRY E. LOHR, Townsend, Hank's Salvage and Recycling, spoke in support.

During questions from the committee it was brought out that sometimes wanted cars are towed away. This would be due to a request on the part of the property owner.

HOUSE BILL 473 BILL ROMINE, Montana Solid Waste Contractors' Assoc., introduced this bill at the request of the sponsor, SENATOR BOB BROWN, who had gone home due to illness. Mr. Romine said this bill concerns reports and activities of Class D motor carriers. He said Class D carriers haul garbage and other refuse and Class D permits were created in 1977. Under the grandfather clause, the Public Service Commission granted all Class A and B carriers a Class D permit if desired. The 1977 law intended to grandfather in only those Class A and B carriers who had transported garbage before the Class D permit was created. Giving to all was a mistake. A Class D

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permit is a property right, but it also carried a duty to provide a garbage service to the public. This bill requires the Class D carrier to provide a garbage service on a regular basis as part of the carrier's ordinary business. In addition, the carrier must provide the PSC with information, in its annual report, to show that it has provided its service as a regular part of its business.

VESTER WILSON, Montana Solid Waste Contractors, Inc., spoke in support. He said of 100 Class D carriers, 28 have never hauled garbage and don't intend to. He said they can sell their Class D certificates to a big company and put the small carrier at a definite disadvantage. Mr. Wilson said he has discussed this with the garbage haulers in the state and the feeling is that even though it will mean filling out more forms, it's the only way to keep a handle on this problem.

JOHN PALAGI, Green's Disposal Service, Great Falls, said he supports this bill.

DONNA HARTLEY, Hartley's Garbage Service, Helena, spoke in support.

Meeting adjourned at 2:59 p.m.

Respectfully submitted,

William R. Baeth  
WILLIAM R. BAETH, Chairman

Emelia A. Satre, Sec.