

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

January 27, 1979

The ninth meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 1:30 p.m.

ROLL CALL: All members of the committee were present, with Senator Kolstad excused.

CONSIDERATION OF SENATE BILL 154: Senator Manning is the chief sponsor of SB 154. It is an act to revise and clarify and transfer to the Highway Patrol Chief certain duties and powers of the Division of Motor Vehicles.

Larry Majerus spoke on behalf of this bill telling the committee the whole purpose of this bill was to specifically define power of the chief of the Highway Patrol. Change "division" to Chief. It is a housekeeping bill.

Chairman Etchart asked if there were any questions from the committee in regard to Senate Bill 154. There being no questions, the hearing was closed.

CONSIDERATION OF HOUSE BILL 65: Chief Sponsor of HB 65 is Representative Uhde who told the committee this bill is an act to amend section 69-12-321, to make the section applicable to applications by Class D Carriers and to requests for transfers of authority and to clarify the hearing requirements.

Chairman Etchart asked if there were any other proponents to House Bill 65.

Wayne Budt from the Montana Public Service Commission told the committee he supports this bill. See "Exhibit A" for his testimony.

Chairman Etchart asked if there were any other proponents to House Bill 65. William J. Opitz from the Montana Public Service Commission told the committee that the five member Commission unanimously supported the passage of HB 65.

Chairman Etchart asked if there were any other opponents to HB 65. If there were any questions from the committee.

Senator Hager wanted to know if there would be any opposition.

Wayne Budt told the committee there would be a notice sent out to all carriers and then with a specified date. Then, if there is protest, it will go to a short form hearing.

Chairman Etchart asked the Committee if there were any further questions on HB 65. There being none the hearing was closed.

CONSIDERATION OF HOUSE BILL 55: Representative Uhde is the chief sponsor of this bill. It is an act to amend section 69-12-302 to clarify the conditions under which class C carriers are considered to be operating as Class B carriers. The bill strikes old language out of the law and adds one condition. For Class B contracts, set rates. This bill is designed to keep it so Class C Carriers cannot infringe upon Class B Carriers. It limits contracts and length of time.

Chairman Etchart asked if there were any proponents of HB 55. Wayne Budt from the Montana Public Service Commission. He told the committee the big difference we are talking about is Class B Carriers. He serves anybody who requests it. Class C, what this bill does is make sure that a Class C Carrier does not take all the cream off the top and leave the other carriers with the poorer jobs.

Chairman Etchart asked if there were other proponents. There were None. There were no opponents.

Senator Hazelbaker asked Mr. Budt if this included house movers.

Mr. Budt told Senator Hazelbaker that this bill eliminates house movers. He told the committee it is hard to write a tariff on every type of house that going to be moved.

Chairman Etchart asked about the word under, on Page 1, Line 23 of HB 55, as the meaning is not clear. Dave Cogley told him it was OK and explained it. Senator Hager suggested striking the word under and putting with, as this would not change the meaning and would be more understandable. Senator Regan said she thought the danger with the word under is for those who are not knowledgeable of the subject. She thought the suggestion from Senator Hager of striking under and inserting with would be clearer.

ACTION ON HOUSE BILL 55:

Senator Hager made the motion to strike the word under on Page 1, Line 23 of HB 55 and insert the word with in its place. Mr. Budt said this would be acceptable with the PSC. Senator Hazelbaker seconded the motion. The motion was carried unanimously.

Senator Hager made the motion to place HB 55 DO PASS as amended on the consent calendar. Motion carried unanimously. Senator Hager will carry HB 55.

ACTION ON HOUSE BILL 65: Senator Hager made the motion to DO PASS HOUSE BILL 65. Senator Graham seconded the motion. The motion carried unanimously.

Senator Hager made the motion to place HB 65 on the consent calendar. Motion carried unanimously. Senator Hazelbaker will carry bill.

ACTION ON SENATE BILL 154: Senator Manning made the motion to DO PASS Senate Bill 154. The motion carried unanimously.

Senator Manning made the motion to place Senate Bill 154 on the Consent Calendar. The motion carried unanimously.

Senator Manning will carry this bill.

ACTION ON HOUSE BILL 4: Senator Hager made the motion that House Bill 4 DO PASS. The motion carried unanimously.

Senator Hazelbaker made the motion to place House Bill 4 on the consent calendar. The motion carried unanimously. Senator Healy will carry this bill.

ACTION ON SENATE BILL 179: Senator Hager made the motion to DO PASS Senate Bill 149. Senator Manning seconded the motion. The motion to DO Pass Senate BILL 179 carried unanimously.

Senator Hager made the motion to place Senate Bill 179 on the Consent Calendar. Senator Graham seconded the motion. The motion carried unanimously.

ACTION ON SJR 7: The committee discussed SJR 7 and decided to have Senator Hazelbaker talk to Senator McCallum, chief sponsor of the bill, to see about an interim study. They suggested a Senate Resolution direct to the Highway Department, that would serve the purpose just as well. Senator Hazelbaker will get together with Senator McCallum and Shaun Simon and report back to the Committee on Tuesday, 1-30-79.

ACTION ON SB113: Senator Healy had to leave and requested his vote be affirmative on SB113. Dave Cogley from the Legislative Council went over the list of amendments, see Exhibit "B". He told the committee in reference to PAGE 93, Line 12, there are two other laws dealing with junk vehicles. One is the county recycling law. They can pick up cars upon the request of private people. This particular section you are talking about, in reference to that I got the 1967 bill out and the intent was to take private property out of the bill. If you wanted to write a law that would say what it was originally, we could do that. But there should be a separate law from the Code Commission Bill. This bill is a clean-up bill and not to change the meaning.

Senator Hager said he would get together with Mr. William Romine, and come up with something to write a new law.

PAGE 4

Dave Cogley finished going over the sheet of amendments.

Senator Hager made the motion that we DO PASS SB 113 with all the amendments. Senator Graham seconded the motion. The motion was carried unanimously.

OTHER BUSINESS: Chairman Etchart announced the next meeting of the Highways and Transportation Committee would meet at 12:30 in Room 410 of the State Capitol Building on Tuesday, Jan. 30, 1979.

Senate Bill 196 was set for hearing on Thursday, February 1, 1979.

Senate Bill 251, House Bill 18, and House Bill 28 were set for hearing on Tuesday, January 30, 1979.

There being no further business, the meeting adjourned at 2:30 p.m.



CHAIRMAN MARK ETCHART

cf

1-27-79

ROLL CALL

Highways + Trans. COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	✓		
Tom Hager, Chairman	✓		
Frank W. Hazelbaker	✓		
Allen C. Kolstad			✓
Carroll A. Graham	✓		
Dave Manning	✓		
John E. Healy (Jack)	✓		

Each Day Attach to Minutes.

NAME: William J. Opitz DATE: 1/27/79

ADDRESS: 2 Wood Ct. Helena

PHONE: 449-3007

REPRESENTING WHOM? Mont PSC

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: The five member Commission unanimously support the passage of HB.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: William J. Opitz DATE: 1/27/79

ADDRESS: 2 Wood Ct. Helena

PHONE: 449-3007

REPRESENTING WHOM? Mont. PSC

APPEARING ON WHICH PROPOSAL: HB 55

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: The five member Commission unanimously support the passage of HB-55.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Rep. JACK UHDE DATE: 1/27/79

ADDRESS: Box 151 Capitol

PHONE: 227-6202

REPRESENTING WHOM? HD 17

APPEARING ON WHICH PROPOSAL: HB 55/HB 65 SPONSOR

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Wayne Budt DATE: 1/27/79

ADDRESS: 1227 117th Ave

PHONE: 449-2549

REPRESENTING WHOM? Mont Public Service Comm

APPEARING ON WHICH PROPOSAL: HB55 and HB65

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Attached

Multiple horizontal lines for additional comments.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Wayne Eudt

H B 55

Bill to specify the number and length of contracts a Class C (contract carrier) may operate under in any given year. The method in which these contracts will be filed with the Public Service Commission.

Reasons: 1. Commission can ^{certify}~~earify~~ that contract carriers are not operating as common carriers.

Definitions:

Common Carrier :

Holds himself out to serve all parties who request Service.
(rates are regulated by the Public Service Commission).

Contract Carrier:

Serves a company under specific contract for that company
(rates are not regulated by the Public Service Commission).

H B 65

Wayne Beed

Bill to eliminate the need for hearings on unprotested authority applications. Insert Class D into statute as a matter of housekeeping (Class D designation approved by 1977 Legislature).

- Reasons:
1. Reduce Applicant expense.
 2. Reduce hearing and travel expense for the Commission

SENATE COMMITTEE Highways & Transportation

Date 1-27-79 ^{House} Bill No. 55 Time _____

NAME <u>Highways</u>	YES	NO
Mark Etchart, Chairman	✓	
Tom O. Hager, [✓] Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad <i>absent but excused</i>		
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carl Frasier
Secretary

Mark Etchart
Chairman

Motion: Strike "under" on Page 1, Line 23 & insert
in its place "with". Place on
Consent Calendar

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE Highways & Transportation

Date 1-27-79 ^{House} Bill No. 65 Time _____

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom O. Hager, V. Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad		
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carl Francis
Secretary

Mark Etchart
Chairman

Motion: DO Pass + Put on
consent calendar

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE Highways & Transportation

Date 1-27-79

Senate
Bill No. 154

Time _____

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom O. Hager, /Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad		
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carol Frasier
Secretary

Mark Etchart
Chairman

Motion: DO Pass & place on
consent calendar

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE Highways & Transportation

Date 1-27-79 House Bill No. 4 Time _____

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad		
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carol Francis
Secretary

Mark Etchart
Chairman

Motion: Do Pass & place on
consent Calendar

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE Highways & Transportation

Date 1-27-79 Senate
 Bill No. 179 Time _____

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad		
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carl Fossier
 Secretary

Mark Etchart
 Chairman

Motion: DO Pass & Place on
Consent Calendar

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE Highways & Transportation

Date 1-27-79

Senate
Bill No. 113

Time _____

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad		
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carol Frasier
Secretary

Mark Etchart
Chairman

Motion: Do Pass with attached amendments

(include enough information on motion--put with yellow copy of committee report.)

AMENDMENTS TO SB 113

1. Title, line 7.
Strike: "31-167,"

2. Page 15, line 15.
Following: "traffic."

Insert: "For the purpose of part 2, chapter 8, of this title,
the term also includes "flag person" as defined in 61-1-411."

374 on
yellow

5. 3. Page 68, line 7.
Following: "the"
Strike: "basic rule"

6. 4. Page 68, line 17.
Strike: "as nearly as possible"
Insert: "at least"

7. 5. Page 97.
Following: line 10
Insert: "Section 99. Section 61-5-405, MCA, is amended to
read:

"61-5-405. Offenses furnishing ground for suspension
or revocation of license. (1) Items enumerated in Article IV(1),
subsections (a), (b), (c), and (d) of 61-5-401 refer specifically
to 45-5-103, 45-5-104, 61-8-401, 45-2-101(5), and 61-7-103,
respectively.

(2) In addition to convictions mentioned above the division,
for the purpose of suspension, revocation, or limitation of
the license to operate a motor vehicle, shall give the same
effect to the conduct reported as it would if such conduct had
occurred in this state for:

(a) convictions of perjury or the making of a false affidavit
relating to the ownership or operation of a motor vehicle
(61-5-303); and

(b) three convictions of reckless driving committed within
a period of 12 months (61-8-301)."

Renumber subsequent sections

8. 6. Page 97, line 13.
Strike: "31-167,"

7. Page 25, line 8
strike: subsection (e) in its entirety

~~9. Page 27, line 13 + 14
and line 13
insert motorcycle, line 14~~ KR see