

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

March 1, 1979

The Nineteenth 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 1:00 P.M.

ROLL CALL: All members were present, with Senator Kolstad being excused after the meeting started.

CONSIDERATION OF HOUSE BILL 232: Representative Bob Dozier, District 61, Chief Sponsor of the bill, told the Committee this was an act to amend section 69-12-504, MCA, to revise and clarify the procedure for requesting rate revisions by motor carriers. The bill is just what the title says. He introduced Wayne Budt, from the Public Service Commission.

Wayne Budt, Public Service Commission said there are two main things the bill will do. 1. Require Motor Carriers to submit justification for rate increases at the time of filing Tariffs. The reason: Allow more time for review of justification material and discovery on submitted justification (case may be decided in 180 days). 2. Require Tariffs to be filed 45 days before proposed effective date (present statute requires 30 days). The reason: 30 day notice to the public is required on rate increases and with present 30 day effective date the Public Service Commission does not have enough time to analyze the tariffs and process the notice and mailing list.

There being no other proponents, opponents or questions from the committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 67: Representative Cooney, District 83, told the committee House Bill 67 basically does one thing, it allows the commission to check drivers log books and medical certifications. The commission has authority to check other papers now. On page 2, line 5, the House was leary about the words "making arrest", so they changed them to "issuing citation" and then changed it back to "making arrest" later. Lines 15, 16, and 17 " THE SCOPE OF THE INSPECTIONS IS LIMITED TO THE ENFORCEMENT OF THE PROVISIONS OF TITLE 69, CHAPTER 12." This limits them, so they don't have complete highway authority.

Wayne Budt, Public Service Commission told the committee that Representative Cooney explained the bill very well, and he had nothing else to add, but would be happy to answer any questions.

Senator Hager inquired about a driver who had a truck full of perishable's and he became ill. Will the substitute driver have to also have the same requirements, or will this change that.

Wayne Budt said they usually have other drivers available who have all the things necessary to meet requirements.

Senator Hager asked if this pertained to only common carriers.

Mr. Budt said it pertains only to those people the commission regulates.

Senator Hager asked about the Independent Truck Driver.

Mr. Budt said it would apply to him, however there was an exemption. Operating a hundred miles from home base would not require these things.

Representative Cooney in closing said he had additional information, Exhibit "C", for the person who carried this bill, should it pass.

There being no further opponents, proponents, or questions the hearing was closed on House Bill 67.

CONSIDERATION OF HOUSE BILL 70: Representative Lien was not present, but Wayne Budt from the Public Service Commission volunteered to explain the bill.

Mr. Budt told the committee this was a bill to allow the PSC to vacate a suspension of rates and allow the rates to become effective if all protests are withdrawn and the PSC determines the rates are justified. There are two reasons:
1. eliminate cost and time of hearing, and 2. speed up regulatory process.

There being no other proponents, no opponents, or questions from the committee the hearing was closed.

ACTION ON HOUSE BILL 100: Senator Hager made the motion to strike "8 15 points;" on Page 2, line 17, and insert after the word "assistance,", the words "as defined in 61-7-105, 8 points;". The committee voted unanimously to the amendment. The motion carried.

Senator Hager made the motion to amend back to the original bills points, on Page 2, items a, b, c, and d. The committee voted unanimously to adopt these amendments. The motion carried.

Senator Hager made the motion that House Bill 100 as amended be concurred in. The committee voted unanimously that House Bill 100 as amended be concurred in. The motion carried. Senator Hager will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 67: Senator Hager requested that the committee hold SB 67 until he had time to check it out. The committee agreed to this.

ACTION ON HOUSE BILL 70: Senator Hazelbaker made the motion that HB 70 be concurred in. The committee voted unanimously that HB 70 be concurred in. The motion carried. Senator Hazelbaker will carry HB 70 on the floor of the Senate.

ACTION ON HOUSE BILL 232: Senator Hager made the motion that House Bill 232 be concurred in. The committee voted unanimously that House Bill 232 be concurred in. The motion carried. Senator Healy will carry HB 232 on the floor of the Senate.

There being no further business, the meeting adjourned at 1:35 p.m. The next meeting of the Highway and Transportation Committee will be on Saturday, March 3, 1979 at 1:00 P.M. in Room 410 of the State Capitol Building.

Mark Etchart

SENATOR MARK ETCHART

ROLL CALL

Highway COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	✓		
Tom Hager, Chairman	✓		
Frank W. Hazelbaker	✓		
Allen C. Kolstad	✓		✓ for 1/2 hr.
Carroll A. Graham	✓		
Dave Manning	✓		
John E. Healy (Jack)	✓ late		

Each Day Attach to Minutes.

11A

NAME: Wayne W Budd DATE: 3/1/79

ADDRESS: 1227 11th Ave

PHONE: 449-2549

REPRESENTING WHOM? Mont Public Service Comm

APPEARING ON WHICH PROPOSAL: HB 232

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Attached.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

H B 232

1. Require Motor Carriers to submit justification for rate increases at the time of filing Tariffs.

Reason:

A. Allow more time for review of justification material and discovery on submitted justification (case must be decided in 180 days).

2. Require Tariffs to be filed 45 days before proposed effective date (present statute requires 30 days).

Reason:

A. 30 day notice to the public is required on rate increases and with present 30 day effective date the Public Service Commission does not have enough time to analyze the tariffs and process the notice and mailing list.

"B"

NAME: Wayne Budt DATE: 3/1/79

ADDRESS: 1227 11th Ave

PHONE: 449-2549

REPRESENTING WHOM? Mont Public Service Com.

APPEARING ON WHICH PROPOSAL: HB 67

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Allow the commission to check Drivers
log book and Medical Certs. Have
authority to check other papers now

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

H.B. 67

Log Books - Used for hours of service (Federal Standards)

- Can drive no more than ten hours with eight hours off
- Maximum time driving is 70 hours in any eight day period, with some variations depending on trucking operation

Medical Cards - Doctor's certificate that they are physically capable of operating trucks

Example of when PSC Supervisor and Enforcement Officers would use arrest powers:

If vehicle has a defect serious enough to create a hazard on the road (brakes, steering) and the driver refuses to cease operating the vehicle until repairs are made.

NAME: Wayne W Becht DATE: 3/7/79

ADDRESS: 1227 11th Ave

PHONE: 449-2549

REPRESENTING WHOM? Mont Public Service Comm

APPEARING ON WHICH PROPOSAL: HB 70

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

HB 70

Bill to allow the PSC to vacate a suspension of rates and allow the rates to become effective if all protests are withdrawn and the PSC determines the rates are justified.

- Reasons:
1. Eliminate cost and time of hearing.
 2. Speed up regulatory process.

SENATE COMMITTEE Highways & Transportation

Date 3-1-79 House Bill No. 100 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

Chairman

Motion: _____
Be Concurred in as amended
"See Attached"

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

STANDING COMMITTEE REPORT

March 1

1979

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 100

Respectfully report as follows: That House Bill No. 100

introduced bill no. 100 be amended as follows:

1. Page 2, line 3.
Following: vehicles,
Strike: 20
Insert: 15
2. Page 2, line 5.
Following: vehicles,
Strike: 17
Insert: 12
3. Page 2, line 9.
Following: used,
Strike: 15
Insert: 12

DQPASS

4. Page 2, line 11.

Following: kind,

Strike: 12

Insert: 10

5. Page 2, line 17.

Following: assistance,

Strike: e 15 points;

Insert: as defined in 61-7-105, 8 points;

And, as so amended,

BE CONCURRED IN

SENATE COMMITTEE Highways & Transportation

Date 3-1-79 House Bill No. 70 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 Fraser
Secretary

Chairman

Motion: _____
Be Concurred In

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

STANDING COMMITTEE REPORT

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MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 70

Respectfully report as follows: That House Bill No. 70

BE CONCURRED IN
DO PASS

M.E.

SENATE COMMITTEE Highways & Transportation

Date 3-1-79 House Bill No. 332 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

Chairman

Motion: Be concurred in

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

STANDING COMMITTEE REPORT

March 1

1979

MR. President:.....

We, your committee on Highways and Transportation.....

having had under consideration House..... Bill No. 232.....

Respectfully report as follows: That..... House..... Bill No. 232.....

BE CONCURRED IN
DO PASS