

MINUTES OF THE MEETING
Highways and Transportation Committee
Montana State Senate

March 13, 1979

The Twenty-fourth meeting of the Highways and Transportation Committee was called to order by the Chairman, Senator Mark Etchart, in Room 410 of the State Capitol Building at 1:00 p.m., on March 13, 1979.

ROLL CALL: All members were present with the exception of Senators Graham and Manning.

CONSIDERATION OF HOUSE BILL 13: Representative Dennis Nathe, District No. 1, Chief Sponsor of House Bill 13 told the committee this is an act to require motor carrier rules to reflect differences between all carrier classes, including Class D, and to permit Class D Carriers to lease power equipment. The major changes on the bill are on Page 1, line 17 and Page 2, line 6. He then turned the testimony over to Wayne Budt, PSC.

Wayne Budt, PSC, told the committee this bill is to add Class D Carrier designation into present statutes pertaining to rule making by the Commission and for the leasing of power units. Class D Designation was enacted by the 1977 Legislature. Reasons: 1. Housekeeping; and 2. Bring statute up to date.

Chairman Etchart asked the committee if they had any questions.

Senator Hazelbaker asked Mr. Budt what kind of power equipment they were referring to.

Mr. Budt gave the example of a garbage hauler.

Senator Etchart asked Mr. Budt how many people this would affect, in Class D.

Mr. Budt, said at the current time, 98 have certificates

Senator Etchart asked if this bill would be putting these 98 under their regulations.

Mr. Budt, told the committee before the 1977 Legislation these people were Class B or Class C, so have been under regulation.

Senator Etchart asked if this was an oversight of the 1977 Legislation.

Mr. Budt said yes.

There being no further questions, the hearing on HB 13 was closed.

CONSIDERATION OF HOUSE BILL 17: Representative Joe Tropila, District 36, Great Falls, Chief Sponsor of this bill, carried this bill for the Public Service Commission. It is an act to amend section 69-12-407 to subject Class C and Class D Motor Carriers to recordkeeping and reporting requirements of the Section and to permit the extension of filing deadlines for good cause by the commission.

Chairman Etchart asked if there were any other proponents to HB 17.

Wayne Budt, PSC, said this will give the commission authority to extend the deadline for filing annual reports for good cause and prescribe a uniform system of accounts for Class C and D Carriers. (The Public Service Commission is presently prescribing a system of accounts for Class A and B Carriers.)

Reason: 1. Commission is charged with setting maximum and minimum rates for a Class C Motor Carrier when required for the best interest of public transportation 69-12-201. If public interest is found the commission needs a data base to work from.

Larry Huss, Montana Motor Carriers Association, supports the House version, since they passed HB 13. We do not object to record keeping system on Class C and D as long as the PSC goes with House Bill 13. We have no objection to the bill.

Chairman Etchart asked if there were any questions from the Committee:

Senator Kolstad, asked about the date change on Page 2, Line 2. He asked if the House did this.

Mr. Budt told him the House did not make this change, but the PSC had. The PSC would rather have it at the beginning of the month instead of at the end.

There being no further questions, the hearing was closed on House Bill 17.

CONSIDERATION OF HOUSE BILL 688: Representative Manning, District 35, Chief Sponsor of the Bill told the committee this is an act to require that the cost of giving notice ~~of hearings~~ under the Public Utility, Motor Carrier, and Railroad laws shall be paid by the affected utility, carrier, or railroad; amending sections 69-3-204 and 69-12-423, MCA. The main change in this bill is on Line 24, Page 1: "(2) The commission shall require and receive an additional sum to be set by the commission to pay the cost of publishing notice ~~of hearing~~ as required by this chapter." In the House Business and Industry Committee they deleted the words "of hearings". They however, failed to do that on Page 3, line 2. This should also be deleted.

Chairman Etchart asked if there were any other proponents to House Bill 688.

William J. Opitz, Montana Public Service Commission, told the committee the reason they need this bill is because they do not have the statutory authority to assess the cost of notices. The commission sends out a notice, and they receive a bill from the newspaper. As it stands now, we cannot turn around and request that they reimburse us for the cost of the legal notices. Also, we have had in the past, legal notices that have been posted and then the applicant withdraw's from the case. Later, he comes back. This has happened ten times during the past year.

Senator Etchart asked how much money would they be talking about.

Mr. Opitz, said about \$17,000 per year.

Senator Etchart asked if the Committee had any questions:

Shaun Simon, Legislative Council asked about the language "of hearing" on Page 3, line 2.

Mr. Opitz stated he thought it was an oversight and they would like to strike "of hearing", so that the cost could be assessed to regulated entity.

There being no further questions, the hearing was closed on House Bill 688.

CONSIDERATION OF HOUSE BILL 741: Representative Brand, District 28, Deer Lodge, introduced this bill on behalf of the Highway Patrol. He told the committee he introduced similar legislation about four years ago. This is an act to amend section 61-5-101, to revise the powers and responsibilities of the Division of Motor Vehicles regarding the licensing of Drivers. In essence, it would be taking the Highway Patrol out of the Department of Drivers Examination over a period of time. The State trains these patrolmen to go out on the road as highway patrolmen and then they assign them as Drivers Examiners. Since the State is short on Highway Patrolmen, if this bill passes, they will be taken out of driver's examination and put back on the road as highway patrolmen. I think it would be better for younger people to take the examination from people in the communities.

Chairman Etchart asked if there were any other proponents to HB 741.

Major Tooley, Montana Highway Patrol, told the committee the substance of the bill before you is to allow this to change. It does not require us to change, but simply allows this to change. The change over will be very gradual and you will hear more about that at a later time. The power and authority in the existing law is not the Division of Motor Vehicles. In our prepared budget,

we have problems with the part "division". It appears all the way through the driver license laws. For that reason we do have a concern. If you have questions about how it will operate in the future, I can answer.

Larry Majerus: Since we are actually closer to doing this, I would like to say that one of the reasons efforts in the past have not been pushed is because of the budget concerns. There would be a long real savings, but an immediate cost. Also, we want to maintain the quality of the program. Montana has a reputation for a quality program because we had uniformed examiners. We were not anxious to jump into a new program, but now think we have planned well enough in advance and have the requirements set forth that we can adequately do the job. Then, we can report back to you in two years that we still have a quality program.

Colonel Sol, Montana Highway Patrol, told the committee the success of this program depends on two things: 1. funding; and 2. ability to transfer the uniformed men. As we have said before, the civilian examiner concept has been approached before. We want to move in an orderly fashion and not have a fiscal impact. We can see that this program could easily be very successful.

Chairman Etchart asked if there were any questions from the committee:

Senatory Hazelbaker asked if there would be 17 additional patrolmen on the roads.

Colonel Sol, said 19. We are requesting 19, and this would very much help the problem. We were asking for all the uniform positions in driver examining, which is 26. But, on a gradual basis, we would have 10 the first year and 9 the second year, and this would be an orderly transition.

Senator Etchart asked how many patrolmen are on the road now.

Colonel Sol told him they have 189 men on the road.

Senator Etchart asked Colonel Sol if they invisioned a situation whereby the driver examiners might go into the patrol.

Colonel Sol replied, Yes, that is the plan, as we have 19 positions to fill with these people.

Senator Etchart asked what the fiscal impact of this bill would be.

Colonel Sol told him at this point in time, no savings, but in the future, yes. Their training will not be as extensive, and over all it will be a savings.

Senator Etchart asked if the civilian examiners would be moved around, as they are now.

Colonel Sol told Senator Etchart these civilian examiners would be resident examiners. There would be a certain amount that would have to travel. But, in the Metropolitan areas, they would be resident examiners.

Senator Kolstad mentioned this would certainly be an addition to the total FTE's, and asked what the fiscal impact of this bill would be.

Major Tooley said the bill is permissive and we don't have to do it. It is included in the current budget.

Senator Kolstad asked what they amounted to.

Major Tooley said he did not know, but it is considerable.

Senator Kolstad asked him if they intended to fully implement this program in two years.

Major Tooley said yes, depending on the budget approval.

Larry Majerus said they will graduate 10 the first year and 9 the second. There would be about \$298,000 expense the first year for field services. It would be less the second year, with a total fiscal impact of around \$600,000.

Senator Kolstad asked Larry Majerus if this would be general fund money.

Senator Etchart told Senator Kolstad that they pulled patrolmen out of earmarked revenue and put them in the general fund.

Colonel Sol said they wanted to put additional patrolmen on because of the high rate of accident rates. He told the committee they have had no additional officers since 1973. The Highway Patrol has remained at their present strength since that time. We have to move patrolman into areas where we need more assistance. We have about 5 areas now, where we have had to move patrolmen from one place into those areas. We are running out of people to move around and do the job.

There being no further questions, the hearing was closed.

ACTION ON HOUSE BILL 13: Senator Healy made the motion that House Bill 13 Be Concurred In. The committee voted unanimously that House Bill 13 Be Concurred In. The motion carried. Senator Healy will carry House Bill 13 on the floor of the Senate.

ACTION ON HOUSE BILL 17: Senator Kolstad made the motion that House Bill 17 Be Concurred In. The committee voted unanimously that House Bill 17 be concurred in. The motion carried. Senator Kolstad will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 688: Senator Kolstad made the motion to adopt the amendments to House Bill 688:

1. Page 3, line 2.
Following: "notice"
Strike: "of hearing"

The committee voted unanimously to adopt the amendments to House Bill 688. The motion carried.

Senator Hager made the motion that House Bill 688 Be Concurred In as amended. The committee voted unanimously that House Bill 688 Be Concurred in as Amended. The motion carried. Senator Hager will carry on the floor of the Senate.

ACTION ON HOUSE BILL 741: Senator Hazelbaker made the motion that House Bill 741 Be Concurred In. The committee voted unánimously that House Bill 741 Be Concurred In. The motion carried. Senator Hazelbaker will carry this bill on the Floor of the Senate.

There being no further business, the meeting adjourned. The next meeting of the Highway and Transportation Committee will be on Thursday, March 15, 1979 at 1:00 p.m., in Room 410 of the State Capitol Building.



SENATOR MARK ETCHART

NAME: William J. Opitz DATE: 3/13/79

ADDRESS: 2 Wood Ct.

PHONE: 443-3624

REPRESENTING WHOM? Mont. PSC

APPEARING ON WHICH PROPOSAL: H13-688

DO YOU: SUPPORT? X AMEND? X OPPOSE?

COMMENTS: This is a bill sponsored by the appropriations sub-committee, to have the regulated utilities pay for the ~~see~~ noticing costs of matters brought before the PSC.

The bill should be amended as follows:

ON page 3 line 2 strike the words, "of hearing."

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: D.B. Tooley & Joe Sol DATE: 8-13-79

ADDRESS: Holoma

PHONE: 449-3000

REPRESENTING WHOM? M.H.P.

APPEARING ON WHICH PROPOSAL: HE 74H

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Larry Huss DATE: 5/13/79

ADDRESS: 107 7th

PHONE: 442-8070

REPRESENTING WHOM? Mont. Motor Precipice Assoc.

APPEARING ON WHICH PROPOSAL: HBs 13 & 17

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Wayne Budd DATE: 3/13/79

ADDRESS: 1227 11th Ave

PHONE: 447-2549

REPRESENTING WHOM? Mont Public Service Comm

APPEARING ON WHICH PROPOSAL: HB13

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

H B 13

Bill to add Class D Carrier designation into present statutes pertaining to rule~~r~~ making by the Commission and for leasing of Power Units. Class D designation was enacted by the 1977 Legislature.

- Reasons:
1. Housekeeping
 2. Bring statute up to date.

NAME: Wayne Bull DATE: 3/13/79

ADDRESS: 1227 11th Ave

PHONE: 449-2549

REPRESENTING WHOM? Mont Public Service Company

APPEARING ON WHICH PROPOSAL: HB 17

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

H B 17

Give Commission authority to extend the deadline for filing annual reports for good cause and prescribe a uniform system of accounts for Class C and D Carriers. (The Public Service Commission is presently perscribing a system of accounts for Class A and B carriers).

Reasons:

1. Commission is charged with setting maximum and Mininum rates for a Class C Motor Carrier when required for the best interest of public transportation 69-12-201.
If public interest is found the Commission needs a data base to work from.

H B 13

Bill to add Class D Carrier designation into present statutes pertaining to ruler making by the Commission and for leasing of Power Units. Class D designation was enacted by the 1977 Legislature.

- Reasons:
1. Housekeeping
 2. Bring statute up to date.

3-13-79

ROLL CALL

Hepburn

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.

SENATE COMMITTEE Highways & Transportation

Date 3-13-79 House Bill No. 13 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 Frazier
Secretary

Mark Etchart
Chairman

Motion: Be Concurred in

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

SENATE COMMITTEE Highways & Transportation

Date 3-13-74 House Bill No. 17 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 Fossell
Secretary

Mark Etchart
Chairman

Motion: Be Concurred In

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

SENATE COMMITTEE Highways & Transportation

Date 3-13-79 House Bill No. 771 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 Fossell
Secretary

Mark Etchart
Chairman

Motion: _____
Be Concurred In

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

SENATE COMMITTEE Highways & Transportation

Date 3-13-79 House Bill No. 688 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 Francis
Secretary

Mark Etchart
Chairman

Motion: Be Concurred that as amended

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

STANDING COMMITTEE REPORT

March 13 19 79

MR. **President:**

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

having had under consideration **House** Bill No. **13**

Nathe (Healy)

Respectfully report as follows: That **HOUSE** Bill No. **13**

BE CONCURRED IN

~~EXCESS~~

Pa

STANDING COMMITTEE REPORT

March 13

1979

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 17

TROPILA (Kolstad)

Respectfully report as follows: That House Bill No. 17

BE CONCURRED IN

BE PASS:

Pa.

STANDING COMMITTEE REPORT

March 13 1979

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 638

MANNING (Hager)

Respectfully report as follows: That HOUSE Bill No. 638

third reading bill be amended as follows:

1. Page 3, line 2.
Following: "notice"
Strike: "of hearing"

And, as so amended,
BE CONCURRED IN

~~DOKPASSX~~

P. A.

STANDING COMMITTEE REPORT

March 13

19 79

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 741

BRAND (Hazelbaker)

Respectfully report as follows: That House Bill No. 741

BE CONCURRED IN
DO PASS

P.A.