

MINUTES OF THE MEETING  
HIGHWAY AND TRANSPORTATION  
MONTANA STATE SENATE

March 19, 1981

The Twentieth meeting of the Highways and Transportation Committee was called to order on the above date in Room 410 of the State Capitol Building by Chairman Marck Etchart at 1:00 p.m.

ROLL CALL:

Present: Senator Mark Etchart, Senator Tom Hager, Senator Frank W. Hazelbaker, Senator Larry J. Tveit, Senator Dave Manning, Senator Carroll Graham, Senator Jack Healy, and Senator Lawrence G. Stimatz. Absent: Senator Roger H. Elliott.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 27:

Representative Quilici, Chief Sponsor of HJR27 told the committee this is a joint resolution of the Senate and the House of Representatives of the State of Montana requesting an interim study of commercial transportation problems in Montana.

Montana is a rural state, with long distances between cities, and towns and marketing centers. The agricultural industry is vitally dependent upon adequate transportation systems to move raw products to market. The abandonment of the Milwaukee Railroad has had severe economic impact on the farm industry and all industry within Montana. Also, the Public Service Commission let Burlington Northern Trucklines discontinue intrastate service. The trucking industry in Montana is tightly regulated under Montana law. There is a trend toward deregulation of motor carriers, rail carriers, and air carriers at both the federal and state levels. Because of all these reasons, we felt a resolution requesting an interim study by a committee to study commercial transportation problems in Montana. The committee should study the following things: the effect of deregulation by the federal government and by other states, of motor carriers and rail carriers on sparsely populated rural areas like Montana; reorganization of rates such that the more lucrative trunk routes are forced to assist the less lucrative spur routes into the sparsely populated areas; and involvement of the State of Montana in providing transportation systems.

Kenneth D. Clark, United Transportation Union, told the committee they would like to shown as in support of the resolution.

Jo Brunner, W.I.F.E., told the committee they have been concerned about this for a number of years. We support this bill.

J. David Burchett, Public Service Commission, told the committee they support this bill.

Senator Etchart asked if there were any opponents to House Joint Resolution No. 27. There were none. He asked if there were any questions from the committee.

Senator Hager said he had a problem, in that he felt it was too broad in scope. He thought the committee would not be able to even scratch the surface on this problem.

Representative Quilici told him they made it broad because there are problems in every phase of transportation in Montana. He agreed it was very broad in scope, and range for the committee to look into. We wanted the committee to have authorization to address those problems.

In closing Representative Quilici told the committee we have a problem with transportation in this state. We have had many complaints. People are asking us what we are going to do about this problem in this state. This resolution is about solving those problems, to help us get a handle on them.

#### CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 33:

Representative Shontz, Chief Sponsor of HJR33 told the committee this is a Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting a joint committee be appointed to conduct an interim study of the transportation industry in Montana.

This bill deals with the common motor carrier, and the fact that the carrier is essential to the well-being of Montana. The survival of the common carriers depends upon a schedule of tariffs sufficient to insure revenue adequate to provide reasonable earnings. Transportation is a major factor in the cost of production and in the prices we pay for goods. The PSC has the duty to supervise and regulate the operations of common carriers, to establish tariffs, and to issue certificates of convenience and necessity for intrastate service. This resolution calls for a committee to be assigned to study the capability of the intrastate common carriers and how they service Montana. It also will study the tariffs necessary to provide adequate returns to the carriers, and the ability of the people of Montana to pay the rates required by the carriers. This will also address the network of routes essential to serve all parts of the state. It will also address the PSC in its regulation of the intrastate carriers and the probably effect of deregulation on intrastate carriers.

Larry Huss, Montana Motor Carriers, told they committee they support this bill. He also said regulatory reform is something we want to avoid. We recognize the problems around the state right now.

James Mular, BRAC, said they rise in support of HJR33.

Jo Brunner, W.I.F.E., told the committee they also are in support of HJR33, in that they like to cover all the bases when it comes to transportation.

J. David Burchett, Public Service Commission, said he concurs with all the testimony previously given and would like to go on record as in support of the resolution.

There being no further testimony, the hearing was closed on HJR33.

ACTION ON HOUSE JOINT RESOLUTION NO. 27:

Senator Tveit made the motion that HJR27 be concurred in. With all Senators present voting aye, the motion carried. Senator Tveit will carry the bill on the floor of the Senate.

ACTION ON HOUSE JOINT RESOLUTION NO. 33:

Senator Stimatz made the motion that HJR33 be concurred in. With all Senators present voting aye, the motion carried. Senator Tveit will carry the bill on the floor of the Senate.

ACTION ON HOUSE BILL NO. 595:

The Committee discussed the bill. Senator Graham made the motion that HB595 be not concurred in.

Senator Graham said the 55 m.p.h. speed limit is the law and is on the books and should remain the law. If we go ahead and pass this, we would be the first state to do so. I think the Federal Government would make an example out of us by cutting off our highway funds. With the amount of interstate left to build, I think this is just too risky.

Senator Hager said he agreed. Between Hardin and Wyoming line there are 18 miles of interstate to build. If this is completed, Billings will gain the business from that area.

Senator Healy said he disagreed. He made a substitute motion that HB595 be concurred in. The question was called. Vote: aye: Etchart, Tveit, Manning, Healy, Stimatz; no: Hager, Hazelbaker, Graham. (5-3) The Motion carried.

ACTION ON HOUSE BILL NO. 440:

The committee discussed whether they should pass the bill as is or amend it. They decided to pass it, and hold the bill until HB595 was heard on the floor of the Senate, as they are so closely related.

Senator Tveit made the motion that HB440 be concurred in. Vote: Aye: Etchart, Hager, Tveit, Healy, Stimatz. No: Hazelbaker, Manning, Graham. (5-3) The Motion carried.

ACTION ON HOUSE BILL NO. 364:

Senator Graham told the committee he felt the one day jail sentence penalty was too rough for a first offense. He told the committee Wyoming had similar legislation they passed four years ago, and had to repeal that legislation this session because it did not work.

Senator Hager made the motion that HB364 be not concurred in. Vote: Aye: Etchart, Hager, Hazelbaker, Tveit, Graham, Healy, Stimatz. No: Manning. (7-1) The motion carried. Senator Etchart will carry the Adverse Committee Report on the floor of the Senate.

FURTHER BUSINESS AND ADJOURNMENT:

There being no further business of the committee and no further bills to hear, the hearing was closed.

*Mark Etchart*

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Senator Mark Etchart  
Chairman

ROLL CALL

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 3/19/81

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NAME	PRESENT	ABSENT	EXCUSED
SENATOR MARK ETCHART	✓		
SENATOR TOM HAGER	✓		
SENATOR FRANK W. HAZELBAKER	✓		
SENATOR ROGER H. ELLIOTT			
SENATOR LARRY J. TVEIT	✓		
SENATOR DAVE MANNING	✓		
SENATOR CARROLL GRAHAM	✓		
SENATOR JACK HEALY	✓		
SENATOR LAWRENCE G. STIMATZ	✓		
VERDON - Legislative Council			

Each day attach to minutes.



NAME: LARRY NUSS DATE: 3-19-81

ADDRESS: BY 514 HELSINA

PHONE: 442-8070

REPRESENTING WHOM? MONTANA MOTOR CARRIERS ASSOC

APPEARING ON WHICH PROPOSAL: HJR 27 & HJR 33

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 3-19-81 HJR Bill No. 27 Time \_\_\_\_\_

NAME	YES	NO
Senator Mart Etchart	✓	
Senator Tom Hager	✓	
Senator Frank Hazelbaker	✓	
Senator Elliott	absent	
Senator Tveit	✓	
Senator Manning	✓	
Senator Graham	✓	
Senator Healy	✓	
Senator Stimatz	✓	

CAROL DOYLE FRASIER  
Secretary

SENATOR MARK ETCHART  
Chairman

Motion: Be Conc. Am.

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



# STANDING COMMITTEE REPORT

March 19

1981

President:  
MR. ....

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

having had under consideration ..... House Joint Resolution ..... Bill No. 27 .....

Quilici (Tveit)

Respectfully report as follows: That ..... House Joint Resolution ..... Bill No. 27 .....

*H.C.*  
~~ADOPTED~~  
BE CONCURRED IN

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 3-19-81 HJR Bill No. 33 Time \_\_\_\_\_

NAME	YES	NO
Senator Mart Etchart	✓	
Senator Tom Hager	✓	
Senator Frank Hazelbaker	✓	
Senator Elliott	absent	
Senator Tveit	✓	
Senator Manning	✓	
Senator Graham	✓	
Senator Healy	✓	
Senator Stimatz	✓	

CAROL DOYLE FRASIER  
Secretary

SENATOR MARK ETCHART  
Chairman

Motion: Be Concurred In

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

# STANDING COMMITTEE REPORT

..... March 19 ..... 19 31 .....

MR. President: .....

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

having had under consideration ..... House Joint Resolution ... Bill No. 33 .....

Shontz (Tveit)

Respectfully report as follows: That ..... House Joint Resolution ... Bill No. 33 .....

~~DO PASS~~ *W.C.*  
BE CONCURRED IN

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 3/19/81 House Bill No. 595 Time 1.30pm.

NAME	YES	NO
Senator Mart Etchart	✓	
Senator Tom Hager		✓
Senator Frank Hazelbaker		✓
Senator Elliott	<i>absent</i>	
Senator Tveit	✓	
Senator Manning	✓	
Senator Graham		✓
Senator Healy	✓	
Senator Stimatz	✓	

*Carol Doyle Frasier*

CAROL DOYLE FRASIER

Secretary

SENATOR MARK ETCHART

Chairman

Motion:

~~*motion by Graham*~~

~~*DO NOT PASS*~~

*Sub motion by Healy DO Pass*

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

# STANDING COMMITTEE REPORT

..... March 19 ..... 19 31 .....

MR. **President:** .....

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

having had under consideration ..... **House** ..... Bill No. **595** .....

**Sivertsen (Lae & Etchart)**

Respectfully report as follows: That ..... **House** ..... Bill No. **595** .....

~~XXXXXX~~  
**BE CONCURRED IN**

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 3-19 House Bill No. 440 Time 1:50

NAME	YES	NO
Senator Mart Etchart	✓	
Senator Tom Hager	✓	
Senator Frank Hazelbaker		
Senator Elliott	absent	✓
Senator Tveit	✓	
Senator Manning		✓
Senator Graham		✓
Senator Healy	✓	
Senator Stimatz	✓	

*Carol Doyle Frasier*

CAROL DOYLE FRASIER  
Secretary

SENATOR MARK ETCHART  
Chairman

Motion: Be Considered In

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

# STANDING COMMITTEE REPORT

March 19 ..... 1981 .....

**President:**

MR. ....

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

having had under consideration ..... **House** ..... Bill No. **440** .....

**Jensen (Hager)**

Respectfully report as follows: That ..... **House** ..... Bill No. **440** .....

~~XXXXXX~~  
~~DO PASS~~  
BE CONCURRED IN

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 3-19-81 HOUSE Bill No. 364 Time 2:00 p.m.

NAME	YES	NO
Senator Mart Etchart	✓	
Senator Tom Hager	✓	
Senator Frank Hazelbaker	✓	
Senator Elliott		
Senator Tveit	✓	
Senator Manning		✓
Senator Graham	✓	
Senator Healy	✓	
Senator Stimatz	✓	

*(Carol Doyle Frasier)*

CAROL DOYLE FRASIER  
Secretary

SENATOR MARK ETCHART  
Chairman

Motion: Do NOT PASS

"Be NOT CONCURRED In"

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



# STANDING COMMITTEE REPORT

March 19

19 81

MR. **President:** .....

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

having had under consideration ..... **House** ..... Bill No. **364** .....

**Vincent (Etchart)**

Respectfully report as follows: That ..... **House** ..... Bill No. **364** .....

~~RD/PASX~~  
BE NOT CONCURRED IN