

MINUTES OF THE MEETING
BUSINESS AND INDUSTRY COMMITTEE
MONTANA STATE SENATE

February 19, 1983

The Business and Industry Committee met in Executive Session on February 19, 1983, at 3:30 p.m. The meeting was called to order by Chairman Allen Kolstad in Room 405, State Capitol.

ROLL CALL: All members were present except for Senators Boylan, Goodover and Severson who were excused.

ACTION ON SENATE BILL 436: Staff Attorney Petesch explained the amendments to the committee.

Page 7, line 4, the subcommittee decided to adopt the Public Service Commission amendments and then put a cap of no more than \$500.

Senator Dover made the motion that the proposed amendment to Senate Bill 436 Be Adopted. Senator Lee seconded the motion.

The Committee voted unanimously, by voice vote, that the proposed amendment to SENATE BILL 436 BE ADOPTED.

Page 8, line 15, strike "applications". That would strike it for utilities but not carriers because one involves rate applications which would be enormously expensive.

Senator Dover made the motion that the proposed amendment to Senate Bill 436 Be Adopted. Senator Gage seconded the motion.

The Committee voted unanimously, by voice vote, that the proposed amendment to SENATE BILL 436 BE ADOPTED.

Page 9, line 19, strike "may" and insert "shall".

Senator Dover made the motion that the proposed amendment to Senate Bill 436 Be Adopted. Senator Lee seconded the motion.

The Committee voted unanimously, by voice vote, that the proposed amendment to SENATE BILL 436 BE ADOPTED.

Page 9, line 22, following "be" insert "based on identical standards and shall be".

Senator Dover made the motion that the proposed amendment to Senate Bill 436 Be Adopted. Senator Lee seconded the motion.

The Committee voted unanimously, by voice vote, that the proposed amendment to SENATE BILL 436 BE ADOPTED.

On the Solid Waste Contractors amendments the subcommittee decided to adopt amendments 2-6.

Senator Regan asked what is the affect of that? Staff Attorney Petesch stated that does not allow the Public Service Commission to establish

rates for Class D motor carriers. The Public Service Commission agreed to that amendment.

Senator Regan asked the way the bill stands now hasn't the Public Service Commission given their blessing? Staff Attorney Petesch stated the other bill does. The affect may be to remove those sections from the bill.

Senator Lee stated there was no problem with the amendments 2-6.

Senator Lee made the motion that the proposed amendments 2-6 Be Adopted and allow Staff Attorney Petesch the option of striking language in the bill to conform. Senator Dover seconded the motion.

Senator Regan asked before you strike those sections you will check with the attorneys in the Public Service Commission. Staff Attorney Petesch stated yes.

The Committee voted unanimously, by voice vote, that the proposed amendments to SENATE BILL 436 BE ADOPTED.

Staff Attorney Petesch stated the subcommittee then decided on page 26, section 24, to reinsert the former language and strike 1,000 and insert 100.

Senator Lee stated this is the situation. The language proposed by Senator Blaylock allows total discretion to the Public Service Commission. In matters as important as the major form of transportation in the State should be decided by the Legislature. They first decided to strike this completely and go back to status quo, but the argument against it is that BN in their efficiency moves are trying to shut things down would in respect to this 1,000 population focus on less than 1,000. So to straighten that out they have come to 100. After you shut these areas down the chance of opening these up again are very slim. He does not think it should be up to the Public Service Commission to make that decision. Senator Dover stated he has to oppose this. The way transportation is going now and to keep it viable you are not going to be able to go by just the population of the town. You are going to have to go where the business is. We as legislators cannot sit here and legislate where it should be as we have to leave it up to the Public Service Commission.

Senator Regan stated she supports Senator Dover's position. It does say there will be proper hearings.

Senator Lee stated to think that at a certain time there is no business or very few businesses in a certain area to use a railroad and to say they will not use them in the future is near sighted. For us to come in here and strip the policies of the past is very near sighted. In ten years from now we are going to say if we only had the service we had twenty years ago. We do not have the problem we have today with our highways. When we pass this kind of legislation we are going to be limiting our options in the future. You cannot delegate this to the Public Service Commission.

Senator Fuller asked if you abandon a place what happens to the ownership of that land? Do they retain ownership? Senator Regan stated yes. Eileen Shore stated in some cases the railroads have purchased that land.

On the proposed amendment of changing 1,000 to 100, the Committee voted by Roll Call vote 3-4 so the motion failed.

Senator Lee made the motion that on page 26, line 13 through 27, we strike all the language. What they are doing is not addressing this section of the bill and maintain the status quo. Senator Fuller seconded the motion.

Senator Regan stated maybe we should read what is on page 6. There is a lawsuit pending and no decision has been reached yet. She suspects there won't be. The Audit Committee spent a great deal of time looking at this. We should accept this from them.

Senator Fuller asked is the motion to strike the entire section? Senator Dover stated it would then leave the law as it is.

The Committee voted by Roll Call Vote 4-3 to strike these sections.

Senator Lee made the motion that Senate Bill 436 As Amended Do Pass. Senator Dover seconded the motion.

The Committee voted unanimously, by voice vote, that SENATE BILL 436 AS AMENDED DO PASS.

ACTION ON SENATE BILL 460: Senator Dover made the motion that Senate Bill 460 Do Not Pass.

Senator Lee stated he would agree with that but he would rather Table it.

Senator Dover withdrew his motion and made another motion to Table Senate Bill 460. Senator Fuller stated he was going to ask that we do this. Senator Lee seconded the motion.

The Committee voted unanimously, by voice vote, that SENATE BILL 460 BE TABLED.

ADJOURN: There being no further business, the meeting adjourned at 4:30 p.m.



ALLEN C. KOLSTAD, CHAIRMAN

STANDING COMMITTEE REPORT

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PRESIDENT
MR.

We, your committee on.....**BUSINESS AND INDUSTRY**.....

having had under consideration**SENATE** Bill No. **436**.....

Respectfully report as follows: That.....**SENATE** Bill No. **436**.....
be amended as follows:

1. Title, line 15.
Following: "GOVERNMENTS;"
Strike: remainder of line 15 through "CARRIERS;" on line 16.
2. Title, line 18.
Strike: line 18 through "1,000;" on line 19.
3. Title, line 23.
Following: "69-12-423,"
Strike: "69-12-501, 69-12-502,"
Following: "69-14-115"
Insert: "AND"
4. Title, line 24.
Following: "69-14-116,"
Strike: "AND 69-14-202,"

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"STATEMENT OF INTENT ATTACHED"

CONTINUED

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5. Page 7, line 4.

Insert: "except those fees set by federal statute. No fee set by the commission may exceed \$500."

6. Page 8, line 15.

Strike: "applications,"

7. Page 9, line 19.

Strike: "may"

Insert: "shall"

8. Page 9, line 22.

Following: "be"

Insert: "based on identical standards and shall be"

9. Page 23, line 3.

Strike: sections 19 through 21 in their entirety.

Renumber: subsequent sections.

10. Page 26, line 13.

Strike: section 24 in its entirety.

Renumber: subsequent sections.

AND AS AMENDED,

DO PASS

A.C.

STATEMENT OF INTENT

A statement of intent is required for Senate Bill 436 because it grants the Public Service Commission authority to charge fees commensurate with costs.

The Legislature intends that the fees be set in an amount sufficient to provide funds to administer the function for which the fee is charged. Fees may not be set so high as to generate revenue in excess of expenses.

JK

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 2/19/83 SENATE Bill No. 436 Time

NAME	YES	NO
PAUL F. BOYLAN		
B. F. CHRIS CHRISTIAENS	✓	
HAROLD L. DOVER		✓
DAVID FULLER	✓	
DELWYN GAGE		✓
PAT M. GOODOVER		
GARY P. LEE, VICE CHAIRMAN	✓	
PAT REGAN		✓
PAT M. SEVERSON		
ALLEN C. KOLSTAD, CHAIRMAN		✓

Mimi Fancher
Secretary

ALLEN C. KOLSTAD
Chairman

Motion: Amendment Changing 1,000 to 100

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

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 2/19/83 SENATE Bill No. 436 Time

NAME	YES	NO
PAUL F. BOYLAN		
B. F. CHRIS CHRISTIAENS	✓	
HAROLD L. DOVER		✓
DAVID FULLER	✓	
DELWYN GAGE		✓
PAT M. GOODOVER		
GARY P. LEE, VICE CHAIRMAN	✓	
PAT REGAN		✓
PAT M. SEVERSON		
ALLEN C. KOLSTAD, CHAIRMAN	✓	

Mimi Fancher
Secretary

ALLEN C. KOLSTAD
Chairman

Motion: Strike Section

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