

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIR BARRY STANG, on January 29, 1991, at
3:00 p.m.

ROLL CALL

Members Present:

Barry "Spook" Stang, Chairman (D)
Floyd "Bob" Gervais, Vice-Chairman (D)
Ernest Bergsagel (R)
Robert Clark (R)
Jane DeBruycker (D)
Alvin Ellis, Jr. (R)
Gary Feland (R)
Mike Foster (R)
Patrick Galvin (D)
Dick Knox (R)
Don Larson (D)
Scott McCulloch (D)
Jim Madison (D)
Linda Nelson (D)
Don Stepler (D)
Howard Toole (D)
Rolph Tunby (R)

Members Excused: Rep. DeBruycker (Jane), Rep. Knox, Rep. Nelson
and Rep Tunby

Staff Present: Valencia Lane, Legislative Council
Claudia Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

HEARING ON HB 222

Presentation and Opening Statement by Sponsor:

REP. MARK O'KEEFE, House District 45, Helena, said HB 222 is at the request of the Glacier county tourism group. This bill will require notices for slow moving vehicles at the entrances into the state of Montana on the minimum speed limit. Other western states have posted notices for slow moving vehicles to use turnouts and wondered why Montana didn't have one. When the bill was drafted, he found out that Montana does have this law, but it

isn't posted for anyone to see. With the increase in tourism and with the established tourism in the state, he said there is a need to have this law posted so people can see it. The Department of Highways said even though Montana has this law, there are no turnouts to comply with the law. The law reads, that wherever there is sufficient area for a safe turnout to exist, the slow moving vehicles should pull over to permit the vehicles following it to proceed. He signed the fiscal note, but noted that last session when it was before the committee it was only \$7,000, but now the department has included it in the budget of over \$1 million to go out and either build or fix the turnouts so the law can be complied with. His intent with this bill is not to have the turnouts fixed, but to have the law posted at the entrances, weigh stations and the primary ports of the state so the visitors coming into Montana will know they need to pull over when they are moving too slow.

Proponents' Testimony:

Jim Manion, AAA of Montana, said he is in support of HB 222. He said they couldn't provide any hard data to support the bill, but AAA is vitally involved and interested in the tourist industry of Montana. He said there are a large number of people who travel the state in the summer. The one pet peeve most of the tourist and residents have complained about is why doesn't Montana have a law for slow vehicles. He felt the people in the tourist industry would be able to publicize that information better than anyone to the tourist by informing them that the law does exist. He said this bill will help solve the problem of slow traffic, especially on the two lane roads in Montana. He urged the committee to support HB 222.

Opponents' Testimony:

Tom Barnard, Chief Engineer, Montana Department of Highways, said they do not have a problem with the intent of the bill. They recognize there is a problem with slow moving vehicles. In order for signing to be effective, three things have to happen: 1) present a clear and simple sign for the traveling public. It is a proven fact if someone is driving by a sign at 55 MPH, they cannot read nor comprehend more than three lines on any given sign; 2) the driver has to clearly understand what the sign means; and 3) take appropriate action. The problem the department has with the slow moving vehicle issue is not as simple as going out and putting up a sign that reads minimum speed 55 MPH for most people to read and understand. This bill is more complicated because it states that slow moving vehicles which have four or more vehicles formed in a line must turn off the roadway at the nearest place designated as a turnout or wherever there is sufficient area for a safe turnout to exist to permit the vehicle following to proceed. To tell the traveling public what the law actually is would be impossible because the legend is too long. Turnouts would have to be constructed that could force the slow vehicles into the turnouts to stop and read

the signs. The second issue is why doesn't Montana have turnouts throughout the state where a sign could be posted that states "slow moving vehicles use turnouts". He said unfortunately, the position Montana is in there are too many roads that were constructed in the 1930s that need to be rebuilt. Constructing a turnout as addressed in this bill is not as simple as building a 500' long turnout. For someone to make use of that, traffic would have to be transitioned out of the normal speed with a long enough roadway for them to travel at their reduced speed so all the traffic behind them can pass. The minimum space required for this would be at least $\frac{1}{2}$ mile for a turnout. He said the average cost per turnout would be about \$100,000 to \$200,000. The turnouts would have to be consistent throughout the state where there wasn't a four lane highway. He said Montana doesn't have the turnouts they need because the department feels the money they have available would be better used to the rebuilding of the bad roads in the state.

Questions From Committee Members:

REP. FELAND asked Mr. Barnard why doesn't slow moving traffic pull over and yield to the traffic behind them. Mr. Barnard said that can be done. He said signs could be posted at all the entrances into the state that slow moving traffic must use turnouts. REP. FELAND asked if it would help to paint the signage on the road in big block letters. Mr. Barnard said signs would do a better job.

REP. FELAND asked REP. O'KEEFE why did this bill fail last session. REP. O'KEEFE said there was a concern in the Senate Highways committee of the availability of turnouts.

REP. TUNBY asked what the fiscal note alluded to. REP. O'KEEFE said the total cost for this bill is \$1,014,083 for fy 1992, and \$20,400 for fy 1993 for a total of \$1,034,083. He thought the money was for the building of and maintaining turnouts.

REP. ELLIS asked if it would help to have the signs at the port of entries to inform the people coming across the border. REP. O'KEEFE said the bill calls for posting signs at the rest areas, weigh stations, the five interstate highways and the 26 primary roads. REP. O'KEEFE said it might help to have this law printed on the back of the Montana map.

REP. STANG asked if other states have this law and if so, how do they post it. REP. O'KEEFE said that Idaho, Oregon, Washington, and California have this law that he is sure of. In three of those states, it is posted "slow vehicles must use turnouts". In Oregon, the sign reads, "vehicles being trailed by four or more vehicles must use turnouts". The signs are usually posted on the mountain passes.

REP. MCCULLOCH asked Sandra Guedes, Department of Commerce, if she could provide information on the number of recreational

vehicles e.g. Winnebagos, entering Montana. Ms. Guedes said Montana does have a number of slow moving vehicles, but the department did not have a percentage of the total number of non-resident traffic.

Closing by Sponsor:

REP. O'KEEFE said the Highway Department has presented a number of problems with the bill. He said the only places that need to be posted are the areas where people stop and read the signs. Turnouts are not where he wants the signs posted. The one main issue that needs to be stressed is to let the slow moving traffic know that it is common courtesy to let the other vehicles get by them. He thanked the committee for a good hearing and urged the committee for a do pass for HB 222.

HEARING ON HB 263

Presentation and Opening Statement by Sponsor:

REP. JERRY DRISCOLL, House District 92, Billings, said this bill is at the request of the Environmental Quality Council (EQC). During the interim, the EQC had numerous meetings on solid waste, known as garbage, and what should be done with recyclable materials. Presently, there is not a clear authority of who can pick up and haul recyclable material. This bill will create a Class E motor carrier authority for the transportation of recyclables. It will allow these motor carriers to charge to pick up the material. Usually, there is not enough money made by taking the material to a recyclable center. This bill will allow a carrier to charge so much per month, or whatever the situation calls for so the material can be properly disposed of. He said there are a number of people that are concerned about the environment that will pay \$3 to \$5 a month to have someone come by and take their newspapers, cans, glass, plastics, etc., anything that can be diverted from the landfills and manufactured into something of value. The intent of this bill is to make it as easy as possible for someone to get into the business of picking up recyclable material and taking it to the recycling center. He envisioned kids with pickups trying to make a few dollars and help the environment at the same time. It shouldn't take a hundred hearings and thousands of dollars in attorney's fees to get a Class E license. The landfill space in Montana is filling up. The new federal regulations for landfills are very stringent and will require many dollars to comply. If 3,000 tons of recyclable material can be kept out of the landfills, the life of the landfill will be longer and it will be cheaper to the taxpayer. Most of the landfills with the exception of a very few, are owned by local communities, counties or cities.

Proponents' Testimony:

Sue Weingartner, Montana Solid Waste Contractors, said the Class D motor carriers is a private industry of waste haulers and they

support HB 263. She said the Public Service Commission (PSC) will be offering amendments to this bill. The Class D carriers support these amendments that will make the bill clearer and will carry out the intent of the EQC. EXHIBIT 1

Wayne Budt, PSC, distributed amendments for HB 263. EXHIBIT 2 He said the basic assumption of this bill when it was drafted, is a Class D carrier would have the authority to haul recyclables. It is the commission's opinion, that it is not correct. Once the material is to be recycled it has value and is no longer garbage. Mr. Budt said the amendments will remove the provisions to strike the Class D carriers priority to give Class E carriers the authority. He said there has not been a declaratory ruling by the commission on whether recyclables are Class D. There has only been research and informal staff opinions that state garbage is not included in recyclables. Mr. Budt said they were not changing the intent of the bill. All PSC wants to do is delete the Class D authority from the bill, because it does not fit in there.

Ben Havdahl, Montana Motor Carrier's Association, said he would approve the bill if the PSC amendments are included. There is a problem with Class E carriers transporting recyclables from a storage area to the manufacturing center. When the material leaves the recycling center and is transported to the manufacturing plant, it becomes a general commodity. He said there are several carriers in the association that have license for general commodity authority and some of those have special recyclable authority. The way the bill is drafted, the only person that can make application for a Class E license are Class D carriers. He supports the bill if the amendments are adopted.

Jim Lighter, Browning-Ferris Industries of Montana (BFI), Missoula, said that BFI operates in Great Falls, Miles City, and a landfill operation in Missoula. They also operate the first county wide recycling program and a modified curb-side program in Missoula County. They don't do it for hire, it is a voluntary program at no charge to the people. Recycling is an intricate part of integrated waste management solutions for solid waste in the future. He said they are proponents of the bill as amended by the PSC. It provides a cause of incentive for recycling in the Montana. They are interested in seeing recycling done as a controlled, regulated and institutionalized fashion, so it is successful. He urged the support of the committee for HB 263.

Ray Quigley, Montana Recycling, said they oppose the bill the way it is currently written, but would support it with the amendments. He said the bill discriminates the recycling industry in its current language. Garbage and recyclables do not have much to do with one another once the material is set out on the curb or brought to the recycling center. He proposed amendments for the bill. EXHIBIT 3

Brian McNit, Montana Environmental Information Center (MEIC),

said they support the bill with the amendments from the PSC. They support any move that would help move Montana from its current dependance on dumps to the dispose of its waste. Recycling is a good way to offer alternatives to landfilling. The goal of the EQC bill is to encourage more recycling. Recyclables are a valuable commodity and will be more valuable as time goes on and landfill space becomes a premium. The amendments will allow a fair competition system to take effect for various cities and towns that want to get into recycling. Without the amendments it would not be allowed. It would further extend the monopolies of waste hauling for recyclables. He is concerned with the amendments as they are; on page 4, line 25. Strike half of the sentence where it says "Class E motor carriers embraces all motor carriers operating motor vehicles with pickup services for recyclables for" from there on strike from the amendment and add in "compensation".

Shannon McNew, self, Missoula, said she had problems with the bill as drafted, but with the amendments from the PSC they can support it. The amendments will do away with the Class D preference and make it easier for people to make application for Class E license.

Neva Hassanein, NPRC, said she is proponent with the PSC amendments. The way the bill is drafted makes it a right-to-monopoly bill. She didn't think all of the regulations in the amendments from the PSC are necessary. They supported SB 27 that was introduced by SEN. SVRCK. It exempts those that carry recyclables from the requirement of motor carriers in an attempt to encourage recycling.

Opponents' Testimony:

REP. BEN COHEN, House District 3, Whitefish, said he first appeared before Legislature in 1981 as a new member for the Solid Waste Contractor's Association. He attended a hearing with the intention to deregulate solid waste haulers in the state. When REP. DRISCOLL made the statement about envisioning high school kids with a pickup going around collecting recyclables he backed off, because it is pertaining to high grading, which is when people separate their refuse into the various materials. The aluminum cans are what makes or breaks the recycling centers, and that is why they opposed the bottle bills. If the aluminum is taken out of the main stream, they will not make any money. He said this bill is trying to reinvent something that doesn't need to be reinvented. Oregon recycles more material than any state in the nation and they also have a bottle bill. They merely require that everyone provide a residential municipal service and they will provide a minimum of once a month pick up of recyclable materials. He encouraged the committee to not pass this bill.

Questions From Committee Members:

REP. GALVIN asked Mr. Budt what kinds of permits do REP. COHEN,

Mr. Lighter and **Mr. Quigley** have that they are able to pick up recyclables. **Mr. Budt** said at this time they do not have the authority to do it. He said the intent of the amendments was to clarify the bill, not change it. The Class E carrier would be regulated like the rest of the class motor carriers.

REP. TOOLE asked what kind of preferential treatment for Class E carriers is built into the bill as amended by the PSC. **Mr. Budt** said there are carriers that were issued authority back in the 1940s and 1950s by the commission that said, "property within 10 miles". Before Class B came into effect, the word "property" meant anything but people. When Class D became effective, it was anything but people and garbage. It is the PSC's opinion that anyone holding property authority can haul recyclables now. He said if the committee wants to give Class D the authority to haul recyclables he would not have a problem with it.

REP. FELAND asked how many permits would be allowed in a certain area. **Mr. Budt** said the permits will be based on public need.

REP. LARSON asked if organic material could be classified as recyclables, and if aluminum falls under that classification. **Mr. Budt** said yes. Organic material would cover everything. **REP. LARSON** asked if a garbage carrier that picked up garbage on Monday, Wednesday and Friday, than picked up recyclables on Tuesday, would he be operating outside of his Class D carrier permit. **Mr. Budt** said it depended on whether he was charging to pick up the recyclables. **REP. LARSON** asked what if the hauler didn't charge and just collected for the value of the material. **Mr. Budt** said the hauler would not fall under "for hire". He said that was off the top of his head and not to hold him accountable for that statement.

REP. TOOLE asked if it was correct to assume that no one in the state of Montana has the authority to haul recyclables. **Mr. Budt** said yes. A garbage hauler from Great Falls asked if garbage authority covered recyclables. He was told no, so he applied for authority to haul recyclables in Montana and was granted a Class C permit for that purpose. **Mr. Budt** said Class B is the only class that has a specific commodity in it. Class B authority is a common carrier authority that operates with tariffs, i.e., lumber, wood chips, etc. Class C is contract authority only, it includes a broad range but is done on contracts. **REP. TOOLE** said if BFI in Missoula starts hauling recyclables, will they have to apply for a Class C or Class E authority if this bill goes through. **Mr. Budt** said they would.

REP. BERGSAGEL asked if a high school kid wanted to pick up recyclables, would they have to apply for a Class E permit. **Mr. Budt** said they would if it was for hire.

Closing by Sponsor:

Paul Sihler, Resource Scientist, EQC, said the context of the

Class E authority bill is the council's desire to increase the recycling part of the solid waste municipal strategy for the state. There are different ways to do that. Some people want it deregulated, others want it regulated along the lines of the amendments that the PSC proposed, and others would like to have it regulated for some sort of preference. The PSC amendments open up the fields of recyclables that people can pick up beyond what the bill was originally drafted.

HEARING ON HB 249

Presentation and Opening Statement by Sponsor:

REP. HAL HARPER, House District 44, Helena, said this bill updates the amount of the maximum to be charged for tow away vehicles from \$400 to \$1,000 before an officer has to file a written report. He said in this state the taxpayers are subsidizing through the operation of the costs of the highway patrol from insurance companies that are filing reports in other states. This is why the bill raises the amount to \$1,000 before an officer has to file a report.

Proponents' Testimony:

Don Fenton, self, said he is an engineer that is interested in highway safety. This bill will reduce paper work for the law enforcement and backlog of data entry. He urged the committee's support of HB 249. EXHIBIT 4

Opponents' Testimony:

Ron Ashabraner, State Farm Insurance Companies, said that State Farm Insurance companies insure 30% of the insured automobiles in the state. His concern with the bill is in several areas: 1) most of the accidents that cost the consumer the most money is when there is little physical damage to the car which is usually under \$500. Eliminating the investigating report that is being done at the present time will open up a whole new area. At least 12% to 15% of the claims they handle are fictitious. He said most of the young people involved in accidents do not know how to obtain the proper information to locate the person they were involved in the accident with. He recommended the bill do not pass. The only thing that will be saved is the paper work.

Questions From Committee Members:

REP. TOOLE asked if anyone from the law enforcement showed any interest in this bill. REP. HARPER said no. He said after listening to Mr. Ashabraner, maybe the amount should be lowered. REP. TOOLE said he called the highway patrol and had informed him they were for the bill, but would not testify on it. He said the highway patrol thought someone from the Attorney General's office would be here to testify on their behalf.

CHAIRMAN STANG asked how do the insurance companies see a police report when there is only one vehicle involved with more than \$1,000 worth of damage and no one is at fault. **Mr. Ashabraner** said that Montana has an interesting statistic. About 50% of the accidents are one vehicle accidents that occur at night and the drivers are drunk. **REP. STANG** asked if the person wasn't drunk, who gets the report. **Mr. Ashabraner** said the insurance companies do.

REP. TOOLE asked what would be the effect on the insurance business of the claims analysis's adjustment business if this bill went into effect. **Mr. Ashabraner** said it would make it difficult. Any additional information that can be obtained to help resolve the investigation is an increase in savings.

REP. FOSTER asked **Mr. Ashabraner** if he could take a recent year, i.e., 1989 or 1990, for accident claims for State Farm, what would be the percent of the claims for damages between \$0 and \$400. **Mr. Ashabraner** said for the year 1990 in Helena, there was over 2000 files. This includes half way to Missoula, Butte and Bozeman. Of those 2000 cases, about 6% to 7% are injury claims which includes liability exposure.

Closing by Sponsor:

REP. HARPER said if the bill is passed as is with the increase in the dollar amount, the written reports and data backlogs could be done away with. The officers that are at the scene of the accident could make sure the proper information is exchanged. If an officer should attend every accident of any degree of seriousness and made sure the proper information was exchanged, the dollar amount could be raised even higher like other states have done. He said the problem with the current law is when an law enforcement officer suspects that the accident is more than the \$400, they have to file a written report. He urged the committee for a do pass.

HEARING ON HB 250

Presentation and Opening Statement by Sponsor:

REP. HAL HARPER, House District 44, Helena, said this bill is an attempt to give the people applying for drivers license to have the opportunity to have their eyes checked and to check their memory, because most people forget when their drivers license expire. This will check the people's driving skills. The fiscal note shows it will cost \$750,000. When a person has to renew their license, there should be three things that need to be done before that person walks out of the driver's license office: 1) improvement in defensive driving skills; 2) further instruction in driving safety precaution; and 3) instruction in highway courtesy. He informed the committee they would be hearing a proposal on a different approach for the same problem from the Department of Justice.

Proponents' Testimony:

Don Fenton, self, said if Montana wants to reduce the number of accidents, they must educate the public to be more responsible drivers. He urged the committee to pass HB 250. **EXHIBIT 5**

Peter Funk, Assistant Attorney General, Department of Justice, said this bill gives the Driver's License Bureau the opportunity to increase the education. He said they have a two-fold problem with the bill: 1) It tests every driver in the state at renewal time. Based on information of who causes the accidents, it wouldn't be worth wasting the time nor spending the money on every single person. He said a small percentage of drivers cause huge percentage of the accidents. Approximately 15% to 20% of drivers are involved in all accidents. **Mr. Funk** said what the department would like to have done at the testing and renewal time, is an attempt to identify those groups of drivers. **Mr. Funk** distributed a proposal from the Department of Justice. **EXHIBIT 6** The proposal gives more discretion to the Motor Vehicle Division to establish both the criteria under which a person can be tested and also what type of test should be given. A person's driving record is reflected at the present time by conviction points. It provides that a written test be given and be passed by those traffic law violators with a high number of conviction points before receiving their driver's license renewal.

Dean Roberts, Administrator, Motor Vehicle Division, said the division agrees with this bill. It is the division's job to produce safe drivers on the highway. It isn't practical at this time to apply the rules of this bill across the board to everyone. The fiscal note is correct in regards to the cost to the division, which includes approximately 56 counties. He said drivers with "points" on their driving record are more likely to be involved in accidents. He gave a synopsis of California's data on "points". It showed that 31% of California drivers have points. The 31% had over 65% of the accidents. **Mr. Roberts** said if they target the drivers that have 8 or more points, their driving record would be reviewed. They would send a driver's manual to that individual along with a home test. It would be designed around certain pages of the manual which would force them to look at it to answer the questions. **Mr. Roberts** said they do not have any substantial data to draw the conclusion that this will make safer drivers. If the bill is passed, the division will begin to monitor the effect of the program on the accident rate and will be happy to report back to the Legislature in two years. He said the 15 point counseling sessions do not include DUIs, but DUIs are included in the 30 point violations. He said this is not an expensive program. He reiterated what this bill will do. When a person has 8 points, the computer will show the 8 point convictions. At that time a letter, a manual and a home test would be sent. If they take the test at that time, they will receive their driver's license when it is ready for renewal, but if they haven't done the test before renewal arrives, they will

not be issued a driver's license.

Opponents' Testimony: None

Closing by Sponsor:

REP. HARPER said the program does not cost very much. It will save property and lives. He said it will be worth the time and effort the committee has put into it to give the bill a do pass.

EXECUTIVE ACTION ON HB 117

Motion: REP. TOOLE MOVED HB 117 DO PASS.

Discussion: REP. TOOLE made the motion to adopt the amendments he distributed. EXHIBIT 7 This bill deals with the funeral processions.

REP. LARSON asked REP. TOOLE if these amendments had the approval of the sponsor, REP. JAN BROWN. REP. TOOLE said that REP. BROWN had not seen them. The attorney, Mr. Tippy who wrote the statute and is working with the funeral directors, approved the amendments.

REP. FOSTER said he was on the subcommittee with REP. TOOLE and he supports the amendments.

REP. TUNBY asked REP. TOOLE if they had talked with the law enforcement about the amendments. REP. TOOLE said they tried to address the major part of the bill. They rewrote section 9 that addressed liability. The new section establishes the liability if there was an accident during the funeral procession. Any operator of a vehicle involved in a funeral procession is not negligent if operating the vehicle within the requirements of this law. There are rules-of-the-road that have changed, but if everyone complies with the rules that are set in this law will not be negligent. Some of the rules-of-the-road that have changed are: 1) the ability to go through traffic signals or traffic signs. There is an obligation on every driver in the procession to stay as close as is reasonably safe and prudent to the vehicle in front and have their lights on; and 2) where no negligent exists on the part of the operator, than it may be imputed to the funeral director or to the mortician. If someone is involved in an accident with the person who has their lights on and are following as close as possible in the funeral procession and there is an accident, that participant was in compliance with this act and a suit cannot be brought against the mortician or funeral director who is in charge of the procession.

REP. LARSON asked if this addressed the police officers' concern, by virtue of escorting the procession, are they making themselves liable. REP. TOOLE said the lead vehicle and the escort vehicle are the two potential vehicles for law enforcement to be involved in. He said the law enforcement are not mentioned, but felt this

establishes the rules-of-the-road which should protect law enforcement people that are assisting in a funeral procession. If a person falls behind and does not have their lights on and there is an accident, that driver will not be in compliance with the rules and can be sued as an individual.

REP. FOSTER said it is very clear in this bill that the lead vehicle has to follow the traffic lights. He said the lead vehicle dictates as to how the funeral procession is going to run.

REP. LARSON said it might be best for the law enforcement to stay completely away from funeral processions. If they escort a funeral procession, they are taking on the responsibility to keep the procession in line.

REP. KNOX said he was concerned about the funeral director's liability. If the director is involved in the procession, will he be liable if there is an accident. REP. TOOLE didn't think so, but he said there has to be an effort to keep everyone in line.

REP. CLARK said when Legislature starts absolving people from liability, doesn't it take two-thirds of the vote of all the legislators or is it left to the public officials to exempt them from liability. Ms. Lane said that it only applies to the state and political subdivisions of the state.

REP. CLARK said when a law official is directing traffic at an controlled intersection, he supersedes the traffic signal so the traffic will go his direction. If a person runs a green light when the law officer is controlling the funeral procession going through a red light and there is an accident, it places the liability on the person that went through the green light.

Motion/Vote: REP. BERGSAGEL called the question to adopt amendment #1. Voice vote was taken. Motion **CARRIED** unanimously.

REP. MCCULLOCH wanted to know why the lead or escort vehicle was allowed to exceed the speed limit by 15 MPH to overtake the procession to the next intersection.

REP. FOSTER thought the intention of the subcommittee was to eliminate that sentence.

REP. TOOLE said the copy they were working on did have that sentence scratched off. It was suppose to be added back into the amendments, but it was overlooked.

Motion/Vote: REP. TOOLE made the motion to adopt amendment #2. It strikes the sentence starting with "A funeral escort vehicle may exceed the speed limit by 15 MPH" on to the end word "intersection" on line. 23.

REP. TUNBY called the question. Voice vote was taken. Motion CARRIED unanimously.

Motion/Vote: REP. TOOLE MADE A SUBSTITUTE MOTION THAT HB 117 DO PASS AS AMENDED. Roll call vote was taken. EXHIBIT 8 Motion FAILED 7 to 10.

Motion/Vote: REP. NELSON MADE A SUBSTITUTE MOTION TO REVERSE THE VOTE THAT HB 117 DO NOT PASS. Motion CARRIED 10 to 7 with REP. GERVAIS, REP. FOSTER, REP. GALVIN, REP. MADISON, REP. STEPPLER, REP. TOOLE and CHAIRMAN STANG voting no. EXHIBIT 8

Motion/Vote: REP. TOOLE MADE A SUBSTITUTE MOTION THAT HB 117 BE TABLED. Roll call vote was taken. EXHIBIT 9

Vote: HB 117 BE TABLED. Motion CARRIED 12 to 5 with REP. KNOX, REP. MCCULLOCH, REP. STEPPLER, REP. TOOLE and REP. TUNBY voting no.

EXECUTIVE ACTION ON HB 127

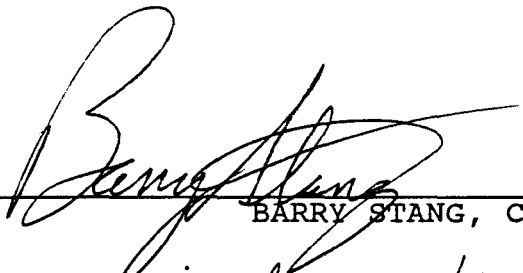
Motion: REP. BERGSAGEL MOVED HB 127 BE TABLED.

Motion/Vote: Question was called. Voice vote was taken.


Vote: HB 127 BE TABLED. Motion CARRIED 12 to 5 with REP. CLARK, REP. FOSTER, REP. TOOLE, REP. KNOX AND REP. TUNBY voting no.

ADJOURNMENT

Adjournment: 5:45 p.m.



BARRY STANG, Chair



CLAUDIA JOHNSON, Secretary

BS/cj

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

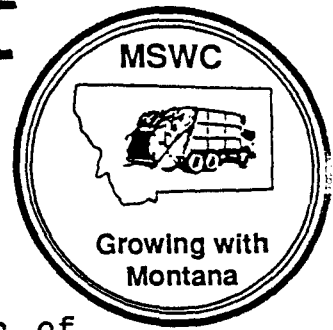
DATE 1-29-91

| NAME | PRESENT | ABSENT | EXCUSED |
|------------------------------------|---------|--------|---------|
| REP. FLOYD "BOB" GERVAIS, V.-CHAIR | ✓ | | |
| REP. ERNEST BERGSAGEL | ✓ | | |
| REP. ROBERT CLARK | ✓ | | |
| REP. JANE DEBRUYCKER | | | ✓ |
| REP. ALVIN ELLIS, JR. | ✓ | | |
| REP. GARY FELAND | ✓ | | |
| REP. MIKE FOSTER | ✓ | | |
| REP. PATRICK GALVIN | ✓ | | |
| REP. DICK KNOX | | | ✓ |
| REP. DON LARSON | ✓ | | |
| REP. SCOTT MCCULLOCH | ✓ | | |
| REP. JIM MADISON | ✓ | | |
| REP. LINDA NELSON | | | ✓ |
| REP. DON STEPPLER | ✓ | | |
| REP. HOWARD TOOLE | ✓ | | |
| REP. ROLPH TUNBY | | | ✓ |
| REP. BARRY "SPOOK" STANG, CHAIRMAN | ✓ | | |
| | | | |
| | | | |
| | | | |

EXHIBIT 1

DATE 1-29-91

HB 263



HOUSE BILL 263

Class E Motor Carrier Authority for the Transportation of Recyclables

For the record, my name is Sue Weingartner. I represent the Montana Solid Waste Contractors, a state-wide association of Class D motor carriers who are private industry waste haulers.

We support HB 263 and the amendments offered by the Public Service Commission. We discussed the amendments at length with the PSC and are in agreement that with these amendments make the bill clearer and carry out the intent of the EQC when it included this bill in its legislative package which concluded a 2-year study of Montana's solid waste by the Solid Waste Advisory Committee and the Environmental Quality Council.

Recycling involves 3 basic steps:

1. Separating reusable products from other trash: (a) sometimes done curbside; (b) sometimes done by removing it from the trash--at a central facility; or (c) consumers separate their newspapers, bottles, cans or other materials and deliver them to designated drop-off centers;
2. Processing them so that they can be substituted for virgin raw materials at manufacturing plants; and
3. Returning them to commerce, usually as part of other products. Common examples include newsprint, which can be reprocessed to make new newsprint or tissue, and cardboard, which can be reused in packaging.

Our industry is involved in the first recycling step--the commercial transportation of materials either collected with garbage and later separated or curbside collection services. Confusion has existed with respect to what type of permitting is needed for this commercial collection and transportation of recyclables. Haulers in the industry were not able to determine if Class B, C or D was the appropriate authority if they were going to recycle -- largely because confusion stemmed from no clear direction or definition as to what is garbage is what is a recyclable.

36 South Last Chance Gulch

Suite A

Helena, MT 59601

Phone 406-443-1160

MONTANA SOLID WASTE CONTRACTORS, INC.

HOUSE BILL 263
TESTIMONY OF SUE WEINGARTNER
PAGE 2

The bill before you defines "recyclable" as any material diverted from the solid waste stream that can be used as raw materials for new products and for which markets exist" and we believe it clears up this confusion as to "what is garbage" and "what is a recyclable."

The bill also makes it clear that Class E authority will be required to transport recyclables after they have been separated from the garbage and there is a market for them.

This bill is also important companion legislation to Rep. Gilbert's HB 160 that passed the House this afternoon that establishes solid waste reduction targets, establishes integrated waste management priorities, addresses recycling and authorizes the preparation of a new state solid waste management plan. HB 160, also requested by the EQC, prioritizes elements of integrated solid waste management planning. Recycling of waste is third is the list of 5 priorities.

(Note: These priorities are as follows:

1. Reduction of waste generated at the source;
2. Reuse of waste;
3. Recycling of waste;
4. Composting of biodegradable waste; and
5. Landfill disposal or incineration.)

Recycling is a hot issue--not only in Montana but across the nation. Our industry is committed to making recycling work in our state. We believe that HB 263 is an important step in successfully planning and managing recycling and we urge your support.

Public Service Commission's Proposal
for Amendment to HB 263,
January 29, 1991

Amendment to HB 263, as introduced (white copy).

1. Title, lines 7 and 8.
Following: "RECYCLABLES;"
Strike: "TO PROVIDE CLASS D MOTOR CARRIER PRIORITY FOR
CLASS E MOTOR CARRIER AUTHORITY;"
2. Title, line 9.
Following: "69-12-205, "
Strike: "AND"
3. Title, line 9.
Following: "69-12-301,"
Insert: "69-12-321, 69-12-322, 69-12-323, 69-12-407, AND
69-12-611,"
4. Page 4, line 25, page 5, lines 1 and 2.
Following: "for"
Strike: "which there is a charge, except those motor carri-
ers already in possession of a class D carrier certifi-
cate."
Insert: "hire."
5. Page 5, lines 12 through 15.
Strike: "(2) A class E motor carrier certificate may be
issued to an applicant for new authority only if the exist-
ing class D motor carrier or municipality in the service
area declines to provide pickup service for recyclables."
6. Page 5.
Following: line 15
Insert: "Section 5. Section 69-12-321, MCA, is amended to
read:
69-12-321. Hearing on application for motor carrier
certificate. (1) Upon the filing of such application by a
Class A, Class B, Class C, ~~or~~ Class D, or Class E motor
carrier, except a Class C motor carrier authorized to oper-
ate under the terms of a contract as provided in 69-12-324,
or upon the filing of a request for a transfer of authori-
ty, the commission shall give notice thereof to any inter-
ested party. The commission shall fix a time and place for
hearing thereon whenever a protest or a request for a hear-
ing is received. The hearing is to be set for a date not
later than 60 days after receipt of a protest or a hearing
request by the commission. Whenever no protests or hearing
requests are received, the commission may act on the appli-

cation without a hearing as prescribed by commission rules.

(2) Any motor carrier referred to in 69-12-322, the department of highways, the governing board or boards of any such county, town, or city into or through which the route or service as proposed may extend, and any person or corporation concerned are hereby declared to be interested parties to the proceedings and may offer testimony for or against the granting of the certificate.

(3) The contracting parties referred to in 69-12-313(4) must appear and offer testimony in support of the applicant.

(4) However, an application by a Class A, Class B, Class C, ~~or~~ Class D, or Class E motor carrier for a certificate may be disallowed without a public hearing thereon when it appears from the records of the commission that the route or territory sought to be served by the applicant has previously been made the basis of a public investigation and finding by the commission that public convenience and necessity do not require the proposed motor carrier service unless it is made to affirmatively appear in the application by a recital of the facts that conditions obtaining over the route or in the territory and affecting transportation facilities therein have materially changed since said public investigation and finding and that public convenience and necessity do now require the motor carrier operation.

Section 6. Section 69-12-322, MCA, is amended to read:

69-12-322. Notice of hearing. (1) Whenever a hearing is scheduled, whether as a result of a protest or request or upon the commission's own motion, the commission shall cause a copy of the petition and notice of hearing thereon to be served upon an officer or owner of any motor carrier that in the opinion of the commission might be affected by the granting of any such certificate and shall notify any other affected party at least 10 days before the date of hearing.

(2) Notice of such hearing shall be published:

(a) in the legal advertising section of a local newspaper or newspapers deemed by the commission to have a circulation sufficient to reach the consuming public in the area under consideration for applications for Class C or Class E authority and geographically limited Class B authority; and

(b) in appropriate newspapers deemed by the commission to have sufficient statewide circulation in the case of applications for Class A authority and geographically broad contemplated Class B authority.

Section 7. Section 69-12-323, MCA, is amended to read:

69-12-323. Decision on application. (1) The commission must issue, within 180 days from and after the date of the completed filing of said application, its finding, order,

or decision on said application and the evidence presented in support thereof at the time of said hearing. The commission may extend the foregoing time for decision to a date requested by the applicant.

(2) (a) If after hearing upon application for a certificate, the commission finds from the evidence that public convenience and necessity require the authorization of the service proposed or any part thereof, as the commission shall determine, a certificate therefor shall be issued. In determining whether a certificate should be issued, the commission shall give reasonable consideration to the transportation service being furnished or that will be furnished by any railroad or other existing transportation agency and shall give due consideration to the likelihood of the proposed service being permanent and continuous throughout 12 months of the year and the effect which the proposed transportation service may have upon other forms of transportation service which are essential and indispensable to the communities to be affected by such proposed transportation service or that might be affected thereby.

(b) For purposes of Class D and Class E certificates, a determination of public convenience and necessity may include a consideration of competition.

(3) The commission may issue the certificate as prayed for or issue it for the partial exercise only of the privilege sought and may attach to the exercise of the rights granted by such certificate such terms and conditions as in its judgment the public convenience and necessity may require. When a certificate has once been issued to a motor carrier as provided in this part, such certificate shall continue in force until terminated by the commission for cause as herein provided or until terminated by the owner's failure to comply with 69-12-402.

Section 8. Section 69-12-407, MCA, is amended to read:

69-12-407. Records and reports. (1) All records, books, accounts, and files of every Class A, Class B, Class C, ~~and~~ Class D, and Class E motor carrier in this state, so far as the same shall relate to the business of transportation conducted by such motor carrier, shall at all times be subject to examination by the commission or by any authorized agent or employee of the commission. The commission shall prescribe a uniform system of accounts and uniform reports covering the operations of such Class A, Class B, Class C, ~~and~~ Class D, and Class E motor carriers, and every motor carrier authorized to operate as such in accordance with the provisions of this chapter shall keep its records, books, and accounts according to such uniform system, insofar as possible.

(2) Before April 1 of each year, unless this deadline has been extended for good cause by the commission, every motor carrier authorized to engage in such business shall file with the commission a report, under oath, on a form

prescribed and furnished by the commission. Those carriers filing an annual report with the interstate commerce commission shall, in addition to filing the report prescribed by the public service commission, submit to the public service commission a copy of the annual report filed with the interstate commerce commission. In addition to such annual reports every motor carrier shall prepare and file with the commission, at the time or times and in the form to be prescribed by the commission, annual reports, special reports, and statements giving to the commission such information as it shall require in order to perform its duties under this chapter.

(3) In addition to other reporting requirements, the commission shall require the holder of a Class D motor carrier certificate to provide sufficient information to show that the carrier is entitled to possess the Class D motor carrier certificate under the requirements of 69-12-314.

Section 9. Section 69-12-611, MCA, is amended to read:

69-12-611. Leasing of power equipment. (1) All Class A, B, C, and D, and E carriers subject to the jurisdiction of the commission may lease power equipment for the purpose of performing transportation movements within the state. The leasing of such power units must be in writing.

(2) All leases must contain:

(a) the full names and addresses of negotiating parties;

(b) a complete description of each vehicle involved;

(c) provision that the sole possession, responsibility, control, and direction of each vehicle resides with the lessee for the entire term of the lease;

(d) provision that the lessee assumes full responsibility for all regulatory fees;

(e) amount of compensation to be paid for use of the vehicle while under the lease and the method by which such compensation is determined;

(f) the renewal conditions of the lease, if any; and

(g) the term length of the lease.

(3) A copy of the lease must be maintained in each leased vehicle at all times. Each power unit so leased must display in a conspicuous place on both sides of such vehicle the identity and address of the lessor and lessee and the certificate number under which the power unit is operating.

(4) The leasing of power units by an authorized carrier to a noncertificated carrier is prohibited."

7. Page 5, line 16.
Following: "Section"
Strike: "5."
Insert: "10."

EXHIBIT 3
DATE 1-29-91
HB 263

JAN-29-91 TUE 14:47

P. 02

PROPOSED AMENDMENTS TO HOUSE BILL 263

PAGE 1. LINE 7
FOLLOWING: "TO PROVIDE"
STRIKE: "CLASS D MOTOR CARRIER"
AMEND TO READ: "THE RECYCLING PROCESSING FACILITY"

OR

PAGE 1. LINE 7
FOLLOWING: "TO PROVIDE"
AMEND TO READ: "CLASS D MOTOR CARRIER AND THE RECYCLING
PROCESSING FACILITY"

ADD DEFINITION:

RECYCLING PROCESSING FACILITY - ANY COMMERCIAL FACILITY WHICH, AS
ITS PRIMARY BUSINESS, SORTS OR PACKAGES A RECYCLABLE COMMODITY
AND PREPARES THE MATERIAL SO THAT IT IS ACCEPTABLE TO THE
MARKET PLACE.

Committee Members
Highways and Transportaion

In Section 4 (2) the giving of preference to a Class D license holder or a municipality for a Class E license draws a relationship between garbage and a recyclable commodity that does not exist, once the recyclable is separated from the solid waste stream.

Once separated, recyclables have no more relationship to solid waste than do new products destined to become solid waste (i.e. shoes, toothbrushes, or food).

If a relationship is said to exist between separated recyclables and solid waste, then follows the argument that Class D holders and municipalities should also have a preference for the transporting of new products (i.e. shoes, toothbrushes, or food).

The granting of a preference to haul new products would be ridiculous, but then so is the granting of preference for hauling recyclables.

The act of picking up garbage at a residence should not be related to the pick-up of recyclables. Milk, advertising brochures, the newspaper, mail, parcel services, and diaper services are all examples of items picked up and/or delivered to households. Class D haulers and municipalities have no interest or preferences in these areas. They should have none in recyclable collection, either.

Again, once the recyclable is separated from the solid waste stream, it is an independent commodity. It does not have a relationship to garbage.

While I understand the need for a Class E license, (quality of service, proper order and insurance reasons), I do not think there is any justification for giving a preference for obtaining one to municipalities and current Class D license holders.

It has not been the municipalities or private haulers who have brought the recycling of aluminum cans, glass, various grades of paper and plastic to the people of Montana. It has been the many scrap companies, private and non-profit, large and small, old and new, who have worked hard to buy equipment, find markets, and educate Montanans about recycling. To arbitrarily eliminate recyclers from participating in a recycling program cannot be defended.

Sincerely,

Mark Richlen
President
Associated Recyclers of Montana

HOUSE BILL # 249

TESTIMONY BY DON FENTON
BLUE SKY HEIGHTS #26
CLANCY, MONTANA 59634 (933-5922)

To Members of the House Highway and Transportation Committee:

This testimony, offered by Donald Fenton, is given as an engineer working in Highway Safety, and not as an Official representing the Federal Highway Administration.

I urge your support of House Bill # 249, for the following reasons:

- 1) It will help reduce the paper work of law enforcement personnel and, thereby, allow them to be more readily available for more serious accidents and other emergencies.
- 2) Reporting fewer accidents will help reduce key punch time and the backlog of data entry on accidents.
- 3) Fewer accident reports will require less computer storage and, thus, reduce paper generated by the outputs for all of the users of accident data. Data on minor accidents is not needed for analysis of high accident locations.

Most other states have already gone to a tow away or \$1000 threshold limit for a reportable accident. 35% of the accidents in Colorado are unreported. Virginia and Washington D.C. use only the tow away. If a vehicle can be driven away, it is not counted as a reportable accident if there were no injuries or deaths.

There is a disadvantage:

- 1) Individuals involved in minor accidents will probably have to fill out a report to get reimbursed by their insurance company. It may be a little more difficult to determine who is at fault. However, the burden of proving who is at fault should be the individuals and his or her insurance company.

I believe the advantages far out weigh the inconvenience to an individual.

HOUSE BILL # 250

TESTIMONY BY DON FENTON
BLUE SKY HEIGHTS #26
CLANCY, MONTANA 59634 (933-5922)

To Members of the House Highway and Transportation Committee:

This testimony, offered by Don Fenton, is given as an engineer working in Highway Safety, and not as an Official representing the Federal Highway Administration.

I urge your support of House Bill # 250. Everyone agrees that highway accidents are costly in both human suffering and financially. Those of us that buy automobile insurance in Montana spend over 240 million dollars per year on insurance premiums. Motor vehicle accidents in Montana cost more than 400 million dollars/year. Approximately 93% of these accidents are caused by driver error. The other 7% are the result of vehicle and road defects. Because of financial restraints, it is very difficult to upgrade highway safety elements beyond what we are already doing.

If we hope to reduce the number of accidents, we must educate the public to be more responsible drivers. If all drivers could periodically view a video tape showing safe driving tips, defensive driving techniques and changes in the law, they will become a better informed and safer driver. A brief test after reviewing the material would assure their attention.

Our Interstate highways are the safest highways we have built and they have the lowest accident rate. However, it is discouraging to see how many drivers make mistakes and roll their vehicles because they do not know how to recover on the relatively flat slopes of a freeway. Primary and Secondary highways with narrow shoulders offer even more of a challenge, and the accident rates confirm it. This Bill offers the first real opportunity to educate drivers and help reduce those accidents attributed to human factors.

EXHIBIT 4
DATE 1-29-91
HB 250

PROPOSED AMENDMENTS TO HOUSE BILL 250

AMEND THE TITLE OF THE INTRODUCED VERSION OF HOUSE BILL 250 BY STRIKING ALL EXISTING LANGUAGE AND REPLACING IT WITH THE FOLLOWING:

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TRAFFIC LAW VIOLATORS TO SUCCESSFULLY COMPLETE A WRITTEN TEST RELATED TO DRIVER RESPONSIBILITIES AND DEFENSIVE DRIVING TECHNIQUES; PROVIDING THAT THE LICENSE OF A PERSON REQUIRED TO COMPLETE A WRITTEN TEST AS DESCRIBED IN THIS ACT NOT BE RENEWED UNLESS THE WRITTEN TEST HAS BEEN COMPLETED; AND ESTABLISHING A SURCHARGE TO THE LICENSE FEE TO OFFSET THE COST OF THE PROGRAM."

AMEND THE BODY OF THE INTRODUCED VERSION OF HOUSE BILL 250 BY STRIKING ALL EXISTING LANGUAGE AND REPLACING IT WITH THE FOLLOWING:

SECTION 1. "NEW SECTION. TRAFFIC OFFENDERS TO TAKE WRITTEN TEST. (1) The Department of Justice may order a driver convicted of violating traffic laws to complete a written examination related to the responsibilities of a driver, and the driving skills and techniques of defensive driving.

(a) When a driver has been ordered to complete a written test as required in this section, the Department may not renew that driver's license or issue an original license until

the test has been successfully completed.

(b) Any driver who has been ordered to complete a written test as required in this section must pay a \$5 fee at the time of his or her next renewal or original application to offset the costs of the testing program.

(2) The Department of Justice may establish by administrative rules the level or levels of violations which would require action as described in section (1) and to establish test methods and content, and may establish different requirements for drivers who possess a provisional license as provided in Section 61-5-111 (5).

(3) The fee required in section 1 must be deposited to the driver improvement account established under the provisions of 61-2-302, and shall be used to defray the cost of the program.

(4) Codification instructions, sections (1) through (3) of this act are intended to be codified as an integral part of title 61, chapter 2 part 3.

NEW SECTION: SECTION 2. APPROPRIATION: The following appropriation is made to the Department of Justice for the purpose of implementing this act.

| | <u>FY 92</u> | <u>FY 93</u> |
|--------------------|--------------|--------------|
| Expenditures: | | |
| Personal Services | \$31,363 | \$31,363 |
| Operating Expenses | \$19,930 | \$19,930 |
| Total Expenditures | \$51,293 | \$51,293 |

Funding:

Driver Improvement Account of the State Special Revenue Fund

NEW SECTION: SECTION 3. EFFECTIVE DATE. This act is effective July 1, 1991.

Amendments to House Bill No. 117
First Reading Copy (White)

Requested by Representative Toole
For the Committee on Highways and Transportation

Prepared by Valencia Lane
January 28, 1991

1. Title, lines 7 and 8.

Following: "PROCESSION;" on line 7

Strike: remainder of line 7 through "DAMAGES" on line 8

Insert: "PROVIDING THAT AN OPERATOR OF A VEHICLE IN A FUNERAL
PROCESSION IS NOT NEGLIGENT IF HE FOLLOWS THE REQUIREMENTS
OF THIS ACT; PROVIDING THAT NEGLIGENCE MAY NOT BE IMPUTED TO
A FUNERAL DIRECTOR OR MORTICIAN IF NO NEGLIGENCE EXISTS ON
THE PART OF THE OPERATOR OF A VEHICLE IN A FUNERAL
PROCESSION"

2. Page 3, line 10.

Following: "."

Insert: "When the funeral lead vehicle arrives at an
intersection, it must comply with the requirements of any
official traffic-control device, right-of-way provision of
this chapter, and local ordinance."

3. Page 3, line 25.

Following: "A"

Insert: "vehicle in a"

4. Page 4, line 4.

Strike: "visible"

Insert: "visual"

5. Page 4, line 10.

Strike: "circulation"

Insert: ", circulating"

6. Page 4, line 14.

Strike: "flashing"

Insert: "circulating"

7. Page 6, line 3.

Following: "procession"

Insert: "being conducted in compliance with [sections 2 through
8]"

8. Page 6, line 10.

Following: "of"

Strike: "the"

Insert: "a vehicle participating in a"

9. Page 6, line 11 through page 7, line 3.

Following: "Liability." on line 11

Strike: remainder of section 9 in its entirety

Insert: "The operator of a vehicle in a funeral procession, including a lead vehicle or an escort vehicle, is not negligent if he operates the vehicle in accordance with the requirements of [sections 2 through 8]. Where no negligence exists on the part of the operator of a vehicle in a funeral procession, none may be imputed to the funeral director or mortician organizing the procession or to the agent of the funeral director or mortician."

EXHIBIT 8
DATE 1-29-91
HB 117

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 1-29-91 BILL NO. HB 117 NUMBER

MOTION: Rep. Isale moved HB 117 Do PASS as
Amended. The Motion failed 7-10. Rep.
Nelson moved to reverse the Motion
to Do Not PASS. The Motion Carried 10-7

| NAME | AYE | NO |
|-----------------------------------------|-----|----|
| REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN | ✓ | |
| REP. ERNEST BERGSAGEL | | ✓ |
| REP. ROBERT CLARK | | ✓ |
| REP. JANE DEBRUYCKER | | ✓ |
| REP. ALVIN ELLIS, JR. | | ✓ |
| REP. GARY FELAND | | ✓ |
| REP. MIKE FOSTER | ✓ | |
| REP. PATRICK GALVIN | ✓ | |
| REP. DICK KNOX | | ✓ |
| REP. DON LARSON | | ✓ |
| REP. SCOTT MCCULLOCH | | ✓ |
| REP. JIM MADISON | ✓ | |
| REP. LINDA NELSON | | ✓ |
| REP. DON STEPPLER | ✓ | |
| REP. HOWARD TOOLE | ✓ | |
| REP. ROLPH TUNBY | | ✓ |
| REP. BARRY "SPOOK" STANG, CHAIRMAN | ✓ | |
| TOTAL | 7 | 10 |

EXHIBIT 9
DATE 1-29-91
HB 117

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 1-29-91 BILL NO. HB 117 NUMBER

MOTION: Rep Toole Moved to TABLE
HB 117. Motion Carried 12-5.

| NAME | AYE | NO |
|-----------------------------------------|-----|----|
| REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN | ✓ | |
| REP. ERNEST BERGSAGEL | ✓ | |
| REP. ROBERT CLARK | ✓ | |
| REP. JANE DEBRUYCKER | ✓ | |
| REP. ALVIN ELLIS, JR. | ✓ | |
| REP. GARY FELAND | ✓ | |
| REP. MIKE FOSTER | ✓ | |
| REP. PATRICK GALVIN | ✓ | |
| REP. DICK KNOX | | ✓ |
| REP. DON LARSON | ✓ | |
| REP. SCOTT MCCULLOCH | | ✓ |
| REP. JIM MADISON | ✓ | |
| REP. LINDA NELSON | ✓ | |
| REP. DON STEPPLER | | ✓ |
| REP. HOWARD TOOLE | | ✓ |
| REP. ROLPH TUNBY | | ✓ |
| REP. BARRY "SPOOK" STANG, CHAIRMAN | ✓ | |
| TOTAL | 12 | 5 |

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Highways COMMITTEE BILL NO. HB222
DATE 1-29-91 SPONSOR(S) Rep. O'Keefe

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|------------------|-----------------------|---------|--------|
| Tom Barnard | Mont Dept of Highways | | ✓ |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Shirley COMMITTEE Rep. Whisnall BILL NO. HB 263
DATE 1-29-91 SPONSOR(S)

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|-------------------------------------|----------------------------|---------------------|----------|
| <i>Joe Kung'u</i> | <i>MT Solid Waste Cent</i> | <i>X</i> | |
| <i>John Lata</i> | <i>BFI Mission</i> | <i>X</i> | |
| <i>MAX Bauer Jr.</i> | <i>B.F.F. Mission</i> | <i>X</i> | |
| <i>Brian McNeil</i> | <i>MEIC</i> | <i>X</i> | |
| <i>Ray Douglas</i> | <i>Madara Recycling</i> | | <i>X</i> |
| <i>Ben Hardwell</i> | <i>MT Motor Cen.</i> | <i>X as amended</i> | |
| <i>Nava Hassanien</i> | <i>NPRE</i> | <i>X as amended</i> | |
| <i>Shannon McNew</i> <i>Mission</i> | <i>myself</i> | <i>X as amended</i> | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

DATE 1-29-91 SPONSOR(S) Rep. Harper COMMITTEE Always BILL NO. HB 249

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

[illegible]

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Hiway COMMITTEE HB 250
DATE 1-29-91 SPONSOR(S) Rep. Harper

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|------------------------------------------------------|-----------------|---------|--------|
| DON FENTON, BLUESKY HEIGHTS #26 CLANCY, MT. 59634 | SELF | ✓ | |
| Diane Towley | Motor Veh. Div. | Amend | |
| Tom Bo | | | |
| DARRELL BECKSTROM | motor veh. div. | ✓ | |
| Dean Roberts | " " | ✓ | |
| Peter Frink | " " | - | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Hiways COMMITTEE BILL NO. 117
 DATE 1-24-91 SPONSOR(S) Rep. Dan Blawie

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | BILL | OPPOSE | SUPPORT |
|-------------------------|-----------------------------------------------|------|--------|---------|
| Bill WARE, Police Chief | City of Helena MT Assn of Chiefs of Police | | X | |
| GLE RIDDLE | Montana Funeral Directors Ass | | | X |
| Neil Morris | MT Funeral Directors | | | X |
| MARTIN LAWRENZ | MT Funeral Directors | | | X |
| Bob Happ | DAHL Funeral Chapel Billings, Bozeman | | | X |
| Jerred H. Scherer | MT Funeral Directors | | | X |
| Pat Hoffman | St. Board of Morticians | | | X |
| Tom HARWOOD | Self | | | X |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.