

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON HIGHWAYS & TRANSPORTATION**

**Call to Order:** By CHAIRMAN ROBERT CLARK, on January 6, 1993, at 3:00 P.M.

#### **ROLL CALL**

##### **Members Present:**

Rep. Bob Clark, Chairman (R)  
Rep. Karyl Winslow, Vice Chairman (R)  
Rep. Shiell Anderson (R)  
Rep. Joe Barnett (R)  
Rep. Bill Endy (D)  
Rep. David Ewer (D)  
Rep. Pat Galvin (D)  
Rep. Marian Hanson (R)  
Rep. Vern Keller (R)  
Rep. Don Larson (D)  
Rep. Gary Mason (R)  
Rep. Bill Ryan (D)  
Rep. Wayne Stanford (D)  
Rep. Bill Tash (R)  
Rep. Randy Vogel (R)  
Rep. Tim Whalen (D)

**Members Excused:** None

**Members Absent:** None

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

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

##### **Committee Business Summary:**

Hearing: HB 17, HB 32 AND HB 41  
Executive Action: HB 32

#### **HEARING ON HB 17**

##### **Opening Statement by Sponsor:**

REP. SHEILA RICE, HD 36, Great Falls, said this bill was requested by the Department of Commerce (DOC) to establish petroleum and liquefied petroleum dealer license fees by rule. It requires deposit of the fees in a state special revenue fund.

She offered three key points: 1) this bill saves the general fund \$150,000 for the biennium; 2) deletes micro-managing agencies; and 3) eliminates the potential of over-collection of fees. After the last special legislative session there were a number of pots of money as a result of over-collection of fees that were used to help balance the state budget. The people who created the over-collections would like to have those fees reduced. Current law requires dealers to have a curb pump fee. If there are more pumps more measuring and testing is to be done which causes an over-collection of fees. There could be an under-collection of fees because the general fund portion is only 50% and fees amount to 50%. The general fund portion cannot keep up with the demand. This bill eliminates the micro-management that have multi-million dollar decisions to be made deciding if we need to be spending a license fee per pump. There are no fees for licensure in other areas, i.e. in the Public Safety Division in the DOC. There are four bureaus in the department, three of which are self-supporting. Weights and Measures is the only area that is not self-supporting. A fiscal note is being drafted and any action on HB 17 should be delayed until it is received.

#### Proponents' Testimony:

Jim Kembel, Administrator, Public Safety Division, DOC, said that Weights and Measures is a part of his program. This bill will provide the necessary means to make Weights and Measures self-supporting. A companion bill, HB 70, will save the department \$200,000 per year for the general fund for a total of \$400,000. This is minimal because the department will be asking for equipment during this session amounting to \$95,000 for the first year and \$60,000 the second year. The bill authorizes three issues: 1) it authorizes the department to establish the fees by rule rather than by statute; 2) it requires the fees to be deposited in the special state revenue fund for use in the enforcement of the weights and measure laws; and, 3) provides an effective date of January 1, 1994, so the licensing cycle can begin next year. HB 17 deals with administration of Title 82, Chapter 15, part 1. This bill deals mainly with measuring devices and HB 70 will deal with weighing devices. He presented written testimony outlining proposed fees versus existing fees.

EXHIBIT 1

#### Opponents' Testimony:

Ronna Alexander, Montana Petroleum Marketers, said they oppose HB 17 as it is written in theory, because most distributors own their own retail locations. On the other end of the industry, the bill will affect the independent gas station owner. There are 100 members in the Association which includes most of the distributors in the state. She said rather than granting ultimate control over fee setting to the department she suggested the process be negotiated as was done in the 1991 Legislature. At that time the department was asking for a 50% increase in fees and ended up with a 25% increase which they were able to live

with. She said the industry is being "fee'ed" to death and its making it harder for the small businessman to stay in business. The .005 cents a gallon that Mr. Kembel discussed for each pump is about an 80% to 100% increase in fees. She asked the committee to leave the process as is, the authority stay where it is and negotiate the increase.

**Jack Brown, Montana/Wyoming Propane Gas**, said they have been greatly impacted by federal regulations and the changes that have been made. They too would like to see the process stay as it is and have a set fee rather than implemented.

Informational Testimony: None.

Questions From Committee Members and Responses:

**REP. TASH** asked Mr. Kembel about in-service inspection of the equipment, if the state is responsible for the inspections, how often and to what extent. Mr. Kembel said the state is responsible for inspections annually, but is having problems meeting that requirement. They have about a 60% inspection rate on measuring devices. The department has had to prioritize to some degree due to equipment failure, etc. The department has a .5% rejection rate on measuring devices and a 2.47% on scale devices so have had to emphasize the scales since there are not enough resources to go around. Mr. Kembel said they have only one vehicle for LPG which is critical for Montana.

**REP. VOGEL** asked Mr. Kembel about raising fees through the rules, process of the rules, and whether they can be amended without a hearing or if they go through a process? Mr. Kembel said they have to go through a public hearing process to receive comment. If the fee increase is not adequately justified, the department is subject to lawsuits throwing the process out or go to the legislative code committee which reviews code adoptions. The Governor's office has oversight, as well as the director of the department, to impose fee increases.

**REP. VOGEL** asked Ms. Alexander what she meant by opposing in theory. Ms. Alexander said they opposed in theory granting the department control over setting fees. The hearing process is a public hearing for the public to make comments, whereas, if the department had control it will be taken out of the public's domain. They do not oppose negotiating an increase. **REP. VOGEL** asked if she would rather negotiate through the rules or through the legislative process every two years. Ms. Alexander answered through the legislative process.

**REP. LARSON** asked Mr. Kembel if other boards set fees, i.e. milk control board, etc. Mr. Kembel replied they do, just like building board, milk control board, etc. **REP. LARSON** asked if there is any restraint as to how high fees can be raised. Mr. Kembel said this bill only relates to the cost of the program. The legislature sets the budget for the department and the

department sets the fees to support that budget.

REP. KARYL WINSLOW asked Mr. Kembel about the state special revenue fund, and if it is subject to the budget process. Mr. Kembel replied that it is. The department cannot spend any more than the legislature approves.

Closing by Sponsor:

REP. SHEILA RICE closed stating that she can appreciate the concerns of the bulk petroleum dealers and the concerns that this issue needs to be adequately funded. The important decision for the committee is, do they need to have the legislature involved with the fees every two years or set it outside the legislative process and allow the department and users to set the fees. REP. RICE said this bill will allow the agencies to set their fees appropriately. The public process is an open process and allows agencies to reduce fees if they are over-collecting. She urged the committee to support HB 17.

HEARING ON HB 32

Opening Statement by Sponsor:

REP. ROGER DEBRUYCKER, House District 13, Floweree, said HB 32 will revise the system of registration of motor vehicles to allow the buyer of a used motor vehicle subject to a January 1 registration the option of registering the vehicle on January 1, or on a staggered registration schedule based on the date of purchase. REP. DEBRUYCKER said, since the bill was drafted, he has been informed that it does not do what was intended. He asked that the committee table the bill or leave it until the problem could be corrected.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor:

REP. DEBRUYCKER closed.

EXECUTIVE ACTION ON HB 32

Motion/Vote: REP. MARIAN HANSON MOVED HB 32 BE TABLED. Motion CARRIED unanimously.

HEARING ON HB 41Opening Statement by Sponsor:

REP. ERVIN DAVIS, House District 53, Charlo, said HB 41 states that the Department of Transportation (DOT) and local authorities may not restrict the transport of seed potatoes on a public highway. It will allow truck drivers hauling perishable seed potatoes to operate in a legal licensed gross vehicle weight (GVW).

Proponents' Testimony:

REP. JOHN MERCER, House District 50, Polson, spoke in favor of HB 41. He said this exemption law came about in 1987 in an effort to get the seed potatoes to market during a certain time. There is a conflict when the seed potatoes need to get to market when the highways are in need of a load limit. An effort was made at that time to allow potato haulers to be exempt from the law.

REP. MERCER noted that DOT people were present and asked DOT to give them some time to work on an agreement between Rep. Davis, the constituents of his community and the DOT.

Don Lake, Chairman of the Montana Potato Improvement Association, distributed information on the shipments, beginning and ending, of the different areas in Montana. He said the DOT is stopping trucks before they can even arrive at a legal scale. Mr. Lake said he has seen people fined on the spot who then wouldn't have money to get home on. The potato growers need support from this government to continue the industry. EXHIBIT 2

Sid Schutter, MPIA, said he farms with his brother in the Manhattan area. There are approximately 7000 acres of seed potatoes grown in Montana yearly. Over 90% of these potatoes are shipped out of state generating about \$17 to \$20 million in revenue per year, revenue that is coming into Montana from other states. This money is spent by Montana seed potato growers on labor, farm equipment, etc. Montana seed growers have lost business to seed growers in Canada, Idaho and Oregon, who have lower freight costs than Montana. He said if the seed haulers coming out of Montana cannot haul a full legal interstate weight because of local weight restrictions, the freight costs are raised even more. He also said Washington buyers will be looking to Montana's competitors closer to the market and this will hurt Montana's credibility.

Leroy Lake, Ronan, supports HB 41.

Bill Kemm, Montana Potato Growers, reiterated former testimony. When he and his brother started their potato growing he contacted the Idaho Department of Highways and asked what they did to preserve the roads. He was informed that empty trailers damage roads more than loaded trailers which is why Idaho set a speed limit of 35 miles per hour, keeping road damage at a minimum.

There are roads that, due to age, will have breakup. Mr. Kemm said he had six loaded trucks leave his place legal and all six were stopped and weighed on jump scales. They varied from 1,000 to 2,000 lbs overloaded and three were sent back. He called the DOT and informed them that his scales had been checked by the state two weeks before and they were correct. He said these are the types of things they want to get away from. The farmers are trying to do it right and want to work with the DOT.

Bill Cotton, MPIA Dillon, supports HB 41. They do not want any problems from the GVW people, only want to get to the interstate with their 80,000 lb limit.

SEN. FRANCIS KOEHNKE, Senate District 15, Townsend, spoke in favor of HB 41. He said this bill is very important to the potato growers and hoped the committee would give HB 41 a do pass recommendation.

Art Mangel, farmer from Polson, urged the committee's support for HB 41.

#### Opponents' Testimony:

Ben Havdahl, Montana Motor Carriers Association (MMCA), which represents 439 motor carrier members and 180 supplier members, said HB 41 would totally exempt the truck transportation of seed potatoes from enforcement of axle weights and would preclude enforcement of those weights by the DOT and local authorities. Mr. Havdahl said if the committee approves HB 41 as written, MMCA would like to see it amended to include a similar exemption from weight enforcement for all other commodities hauled in and out of Montana by "hire" motor carriers. If the committee cannot do that he asked the law remain as it is now and provide a permit for hauling seed potatoes from the point of loading to the nearest non-restricted road. Mr. Havdahl presented written testimony. EXHIBIT 3

Gary Gilmore, Operations Engineer, Highway Division of the Department of Transportation (DOT), said that during the spring Montana highways are vulnerable to damage, the road beds are soft with melting snow in the ditches, etc. He said that every load had a potential to do damage, the heavier the load the more the damage. If the load is doubled, the effect on the road is not doubled, more like 10, 20 or 30 times damage. If no physical damage is seen to the pavement, the effects and damage are occurring under the pavement by moisture going into the sub-grade, and gravel being contaminated by soils, creating a mixing action. DOT is opposed to HB 41.

David Galt, Administrator of Motor Carriers Service Division, Department of Transportation (DOT), said HB 41 would restrict the DOT from restricting the potato trucks on the highways at a time when the roads' surfaces and foundations are most susceptible to damage. HB 41 would allow the potato trucks to operate

unrestricted while other vehicles must abide by these limits. DOT made an agreement with the potato haulers in 1987 to leave Highway 93 open down to Missoula. Prior to that time, Highway 93 was restricted as were the rest of the routes in the northwest corner of state. During the 1991 legislative session this bill was nearly defeated, but an amendment was attached that required potato vehicles to purchase \$100 permits for the privilege of exceeding posted weight limits. Each vehicle was required to travel to the nearest non-restricted road even if such routing was not the shortest route to the destination. This allowed the DOT to get the potatoes off the field onto the highways where routes were not restricted. The amendment created a greater burden on the potato carriers, but some protection for the highway system. DOT understands the predicaments of concerned parties and asked that the committee not take executive action on this bill until the department could meet with the sponsor and other interested parties to see if a mutually accepted solution could be reached.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. LARSON asked Mr. Gilmore if the department had tried restricted hours for the haulers, e.g., early morning when the roads are still frozen. Mr. Gilmore said the department does not have set hours.

REP. WINSLOW asked Mr. Galt whether restrict means weight limits only, or time. She asked if the door is being opened for other industries to question this. Mr. Galt said the law allows the DOT to set the transportation limit and speed under section 61-10-128 of vehicles because of road damage from climatic conditions. This bill will allow the DOT to limit the weight by inch of tire width, 400 lbs per inch of tire. The increments could be lowered depending on road conditions. This section of law does not give the DOT authority to restrict anything else except weight and speed when the roads are broken up. Mr. Galt said the DOT has been concerned that this would open the door for other industries and commodities.

REP. VOGEL asked about the restriction of 80,000 lbs on secondary roads to the interstate. Mr. Galt said there has always been a restriction of 80,000 lbs on all secondary roads because of the condition of the roads, but didn't know why there wasn't a restriction on the interstate.

REP. TASH asked about the disparity between the portable scales and the state inspected scales, and whether fines are based on the portable scales. Mr. Galt replied they are. He explained the portable scale operation and their critical importance for weight limit throughout the state because most places do not have permanent scales. Mr. Galt said that all of the permanent scales and portable scales are inspected by the Department of Weights

and Measures annually, and a technician services those scales twice a year. If there is any notice of change in those scales, service is available. REP. TASH asked about the permits that are available at \$100 a year or \$20 per trip and if they were included under this legislation. Mr. Galt said this restriction was placed as amendments in committee last session and is current law at this time. REP. TASH asked if it was satisfactory. Mr. Galt said it is not in the bill at this time.

REP. WINSLOW asked Mr. Galt if he thought the scale situation has been corrected. Mr. Galt felt it had and that the DOT tries hard to keep the scales accurate. The state of Montana does not have the money to place permanent scales on every road, which is the reason for the extensive use of the portable scales.

REP. WINSLOW asked Bill Kemm about the problem he had with the scales and whether the problem has been corrected since the new scales have been put into use. Mr. Kemm said the problem occurred since the new scale system. The trucks are 70' long and have to be completely level. When a truck is pulled over by the GVW and weighed on the portable scales, the truck is not going to be level as there are crowns in the road, and other problems.

REP. WHALEN asked if the seed potatoes have ever been shipped by rail. Sid Schutter said the cost would be 25% to 30% higher than by truck.

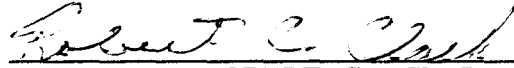
Closing by Sponsor:

REP. Davis closed stating that seed potato haulers are doing their best to abide by the law. There is only a two and one-half to three month window (February-April) for seed potatoes to be hauled because the buyers need them in time to plant. REP. DAVIS also presented written testimony. EXHIBIT 4

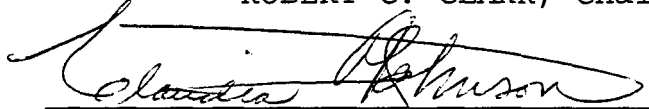


ADJOURNMENT

Adjournment: 4:30 P.M.



ROBERT C. CLARK, Chair



CLAUDIA JOHNSON, Secretary

BC/cj

HOUSE OF REPRESENTATIVES  
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE

1-6-93

NAME	PRESENT	ABSENT	EXCUSED
REP. KARYL WINSLOW - VICE CHAIR	✓		
REP. SHIELL ANDERSON	✓		
REP. JOE BARNETT	✓		
REP. BILL ENDY	✓		
REP. DAVID EWER			✓
REP. PAT GALVIN - VICE CHAIR	✓		
REP. MARIAN HANSON	✓		
REP. VERN KELLER	✓		
REP. DON LARSON	✓		
REP. GARY MASON	✓		
REP. BILL RYAN	✓		
REP. WAYNE STANFORD	✓		
REP. BILL TASH	✓		
REP. RANDY VOGEL	✓		
REP. TIM WHALEN	✓		
CHAIR BOB CLARK	✓		

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TESTIMONY FOR HOUSE BILL 17

WEIGHTS & MEASURES BUREAU  
PUBLIC SAFETY DIVISION  
DEPARTMENT OF COMMERCE

PREPARED BY W. JAMES KEMBEL, ADMINISTRATOR, PUBLIC SAFETY DIVISION

The proposed legislation does three things by amending Section 82-15-105, MCA:

1. It authorizes the Department to establish petroleum dealer and liquefied petroleum dealer license fees by rule, instead of by statute;
2. It requires that the fees be deposited in a state special revenue fund for use in administering the weights and measures regulations;
3. It provides an effective date of January 1, 1994, which applies to the licensing cycle beginning on December 31, 1993.

In carrying out the intent of the legislation the Department would be required to adopt rules establishing license fees based upon measuring devices used by the dealer. The fees are to be set in an amount necessary to cover costs of the Department in administering Title 82, Chapter 15, Part 1.

The program is currently general funded, however fees charged for petroleum licenses currently generate approximately \$104,000 per year, for weighing device licenses \$125,000 and for miscellaneous inspection fees approximately \$8,000. The budget for the program is currently \$432,722. By making the program self supporting the general fund would save approximately \$200,000.

A comparison of the existing and proposed fees is as follows:

PROPOSED FEES VS. EXISTING FEES

Measuring Devices

Retail Pumps Per Nozzle	7	12
Petroleum Meters 2" or <	20	35
Petroleum Meters > 2"	25	45
LPG	30	55
Vapor Meters	4	8

Vehicle Tanks 2,000 gal.	25	45
Each Added 1,000 gal.	5	9

To give an idea of the impact of the fee increase on business, the following example is offered. Assume that the average gas pump delivers 250 gallons per day and that it is in use seven days per week. That means that the gasoline pump delivers 91,250 gallons per year. The fee increase of \$5 per year translates into .005 cents per gallon. Even if the pump only delivered 9,125 gallons per year,

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the cost would be .05 cent per gallon.

The proposed legislative change allows the program to be more responsive to both the needs of the program and the licensees. After raising the fees during the last legislative session to cover the costs of the proposed equipment budget, the equipment budget was reduced during the special legislative sessions. It is hoped that by making the program self supporting the legislature would be more willing to fund the equipment necessary to keep the program in operation.

One of the vehicles cut during the special session has 170,000 miles on it, travels 30,000 miles per year statewide and tows 3,000 pounds of test equipment. The vehicle experienced metal fatigue in the bumper hitch and nearly lost the trailer. Had the operator not detected the problem and stopped in time he or some other party could have been seriously injured.

From time to time the Federal regulations change requiring the program to make equipment changes to meet the updated regulations. These changes put additional demands on the general fund.

The weights and measures program virtually impacts the lives of all Montana's residents on a daily basis. It has a great deal of impact on both sellers and buyers and thus guarantees both a fair business transaction when weighing, measuring or packaging is involved in their dealings.

This legislation allows the Department to set the fees for petroleum devices. It is accompanied by House Bill 70, which would allow the Department to set the fees for weighing devices. It is important to note that in order for the proposed conversion to a self supporting program to work both bills must pass. The passage of both bills will save the general fund a minimum of approximately \$200,000 and will assure you that when you buy gasoline you are not paying for more than you should be.

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## MONTANA POTATOES

YEAR	# OF LOADS SHIPPED FROM THIS AREA	HUNDRED WEIGHT (CWT) SHIPPED	SHIPMENTS BEGINNING	SHIPMENTS ENDING
*****				
DEER LODGE AREA				
1982	144	70,410	APRIL 1	MAY 15
1983	159	77,575	MARCH 25	MAY 15
1984	270	131,912	MARCH 5	MAY 10
1985	194	97,790	MARCH 10	MAY 20
1986	44	22,100	MARCH 25	MAY 10
1987	235	123,620	MARCH 10	MAY 15
1988	232	115,445	MARCH 15	MAY 20
1989	292	145,610	MARCH 15	MAY 10
1990	266	129,140	MARCH 5	MARCH 5
1991	360	184,725	MARCH 10	MARCH 15
1992	212	107,285	MARCH 20	MARCH 20
SUB TOTALS				
	2,408	1,205,612		

DILLON AREA				
1982	187	92,262	MARCH 10	MAY 10
1983	166	81,925	MARCH 10	MAY 15
1984	124	61,280	MARCH 5	APRIL 15
1985	113	58,940	MARCH 5	MAY 10
1986	57	28,890	MARCH 5	MAY 10
1987	213	109,650	MARCH 16	MAY 15
1988	207	105,120	MARCH 1	MAY 5
1989	232	117,768	MARCH 15	MAY 5
1990	263	125,865	MARCH 5	MAY 1
1991	307	150,030	MARCH 5	MAY 15
1992	497	241,315	MARCH 1	MAY 15
SUB TOTALS				
	2,366	1,173,045		

GALLATIN AREA				
1982	1,291	604,038	FEBRUARY 25	MAY 10
1983	1,333	623,990	FEBRUARY 25	MAY 15
1984	1,213	567,697	FEBRUARY 25	MAY 10
1985	1,238	641,968	MARCH 10	MAY 15
1986	1,126	570,632	FEBRUARY 25	MAY 10
1987	1,980	937,190	MARCH 1	MAY 15
1988	1,394	942,741	FEBRUARY 22	MAY 20
1989	2,057	1,011,446	MARCH 15	MAY 15
1990	1,715	837,314	MARCH 5	MAY 10
1991	1,385	927,190	MARCH 5	MAY 10
1992	2,298	1,133,858	MARCH 1	MAY 20
SUB TOTALS				
	17,930	8,798,064		

YEAR	= OF LOADS SHIPPED FROM THIS AREA	HUNDRED WEIGHT (CWT) SHIPPED	SHIPMENTS BEGINNING	SHIPMENTS ENDING
*****				

## KALISPELL AREA

1982	431	201,941	MARCH 15	MAY 10
1983	404	188,950	MARCH 5	APRIL 30
1984	509	238,428	MARCH 15	MAY 10
1985	478	224,594	MARCH 10	MAY 10
1986	326	151,962	MARCH 10	MAY 10
1987	590	286,575	MARCH 1	MAY 15
1988	525	260,825	FEBRUARY 24	MAY 20
1989	678	337,680	MARCH 15	MAY 20
1990	538	267,205	MARCH 5	MAY 10
1991	550	272,152	MARCH 5	MAY 20
1992	525	265,040	MARCH 1	MAY 20
SUB TOTALS	5,554	2,695,352		

## PAELO AREA

1982	941	459,750	MARCH 15	MAY 10
1983	1,130	551,825	MARCH 10	MAY 5
1984	1,144	558,713	FEBRUARY 25	MAY 1
1985	1,021	498,364	MARCH 10	MAY 10
1986	737	360,296	MARCH 10	MAY 5
1987	1,138	572,922	MARCH 1	MAY 20
1988	924	467,183	MARCH 1	MAY 5
1989	1,090	540,755	MARCH 15	MAY 15
1990	1,067	532,292	MARCH 10	MAY 10
1991	1,170	602,872	MARCH 10	MAY 20
1992	1,256	655,267	MARCH 5	MAY 15
SUB TOTALS	11,618	5,800,239		

## STATEWIDE

1982	2,994	1,428,401	FEBRUARY 25	MAY 15
1983	3,192	1,524,265	FEBRUARY 25	MAY 15
1984	3,260	1,558,030	FEBRUARY 25	MAY 10
1985	3,044	1,521,656	MARCH 5	MAY 20
1986	2,290	1,133,880	FEBRUARY 25	MAY 10
1987	4,056	2,029,957	MARCH 1	MAY 20
1988	3,782	1,891,314	FEBRUARY 22	MAY 20
1989	4,349	2,153,259	MARCH 15	MAY 20
1990	3,849	1,891,816	MARCH 5	MAY 10
1991	4,272	2,136,969	MARCH 5	MAY 20
1992	4,788	2,402,765	MARCH 1	MAY 20
GRAND TOTALS	39,876	19,672,312		

Statement to House Highways and Transportation Committee  
HB 41 - Date submitted: January 6, 1992  
Ben Havdahl, Montana Motor Carriers Association

Mr. Chairman, members of the Committee. For the record I am Ben Havdahl, representing the Montana Motor Carriers Association with 439 motor carrier members and 180 supplier members. MMCA is concerned with the economic well being of all its members. There is no question that the ability to haul increased weights in vehicles directly affects the economics of trucking companies.

At the same time MMCA maintains a policy supporting enforcement of "legal" load limits by the Department of Transportation and other enforcement authorities in the State. The policy includes support for enforcement of both gross weight limits as determined by the bridge formula and statutory axle weight limitations established by both State and Federal law.

MMCA is also a strong advocate of continuing vehicle load movements in Montana under the special permit system allowing legal weights for vehicle combinations to be controlled and enforced by permits.

The issue addressed in HB 41, has been before this legislative body on several occasions in past sessions as has been indicated. It would totally exempt the truck transportation of seed potatoes from enforcement of axle weights and would preclude enforcement of those weights by the DOT and local authorities.

Under the proposed provisions of the bill, all that would be required would be to have the vehicle "licensed" for a particular gross weight and once it is licensed, the bill says the load can't be checked by enforcement people. This would be true regardless of whether the movement occurs during the time highways are subjected to frost breakup or at any other time.

Proponents of this bill have attempted to make a strong case for the exception. Statutory weight restriction enforcement for seed potato hauling boils down to negative economics and a higher costs of transportation of seed potatoes from Montana to Idaho and elsewhere.

MMCA members can fully understand that. All of our members hauling a variety of commodities in and out of the State, would also be happy with a similar exception and preclusion against weight enforcement.

I have taken the liberty of distributing to the committee, a recently prepared booklet, "Trucking in Montana" highlighting the importance of truck transportation in the state and some economic information about the industry operating in Montana.

The publication says some 30 million tons of freight were transported by truck in and out of Montana in 1989 and trucks move 84% of the State's total manufactured freight in that year.

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Trucks move all kinds of commodities in the agriculture, mining, construction, trade and manufacturing sectors in the State, including over a million head of beef cattle each year.

These carriers would most likely also be exempted from enforcement authorities from imposing any kind of weight restriction. They also know that is not likely.

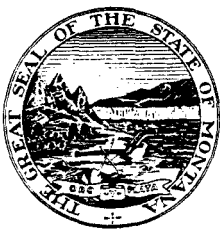
If this committee approves HB 41, as it is written, MMCA would respectfully ask that that the bill be amended to include a similar exemption from weight enforcement, for all the other commodities hauled in and out of Montana by "for hire" motor carriers.

If this committee is not inclined to do that, we would respectfully suggest that the law remain as it now is in Section 61-10-128 which provides for a permit for hauling seed potatoes from the point of loading to the nearest non restricted road.

Failing that, MMCA feels the law should sunset and seed potato haulers should have to comply with weight restrictions just like all other motor carriers.

Thank you.





*The Big Sky Country*

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HB 41

## MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE ERVIN DAVIS

HOUSE DISTRICT 53

HELENA ADDRESS:  
CAPITOL STATION  
HELENA, MONTANA 59620

HOME ADDRESS:  
P.O. BOX 63  
CHARLO, MONTANA 59824

COMMITTEES:  
EDUCATION, VICE-CHAIRMAN  
STATE ADMINISTRATION

TESTIMONY  
January 4, 1993

MEMBERS OF THE HIGHWAY COMMITTEE: For the record, I am Ervin Davis, Representative of House District 53, Lake County.

House Bill 41 is the same bill introduced four sessions ago, asking that drivers of trucks hauling perishable seed potatoes be allowed to operate within its legal licensed gross vehicle weight.

This bill has been passed each session, but has always included a sunset clause, and last session included an inspection certificate.

House Bill 41 asks that both the sunset clause and the certificate be terminated.

I'd like to close after proponents and opponents. Thank you.

---

Ervin Davis  
Representative

Ed/eb

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

DATE

1-6

SPONSOR(S)

COMMITTEE

BILL NO.

HB 41

REP. E. DAVIS

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
GARY GILMORE	MDT		<input checked="" type="checkbox"/>
Dave GALT	MDT		
Ed Schutter	MPIA	X	
Don Lake	MPIA	X	
John Mercer	HD 50	X	
Leslie Lake	Montana Potato Grower	X	
Bill Kramm	Montana Potato Grower	X	
Art Mangel	Farmer	✓	
Ben Hardahl	MT Motor Drivers Assn		X
Hehrbe	FARMER	X	
William Cotton	MPIA	X	

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

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Signature COMMITTEE BILL NO. 17  
DATE 1-6-93 SPONSOR(S) REP. S. RICE

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
W. James Kembel	DOC	✓	
Bonnie Alexander	MT. Petroleum Marketers		✓
T. A. Brown	MT. Wyo. Propane Gas		✓

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HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

1-4 COMMITTEE BILL NO. 32  
DATE 1-4 SPONSOR(S) REP. DEBRUCCER

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Dan Roberts	Motor Vehicle Division		
Bud Schoen	Motor Vehicle Div.		
Vic Meckel	County Treasurer Assoc.		✓
Dave GALT	MDT		

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