

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN SHIELL ANDERSON, on February 1, 1995,
at 3:05 P.M.

ROLL CALL

Members Present:

Rep. Shiell Anderson, Chairman (R)
Rep. Rick Jore, Vice Chairman (Majority) (R)
Rep. Patrick G. Galvin, Vice Chairman (Minority) (D)
Rep. Robert C. Clark (R)
Rep. Charles R. Devaney (R)
Rep. Marian W. Hanson (R)
Rep. Rod Marshall (R)
Rep. Daniel W. McGee (R)
Rep. Jeanette S. McKee (R)
Rep. William M. "Bill" Ryan (D)
Rep. Dore Schwinden (D)
Rep. Jack Wells (R)

Members Excused: Rep. Joe Barnett
Rep. Matt Brainard
Rep. Don Larson
Rep. Joe Tropila

Members Absent: Rep. Linda McCulloch

Staff Present: Greg Petesch, Legislative Council
Kim Greenough, Committee Secretary

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

Committee Business Summary:

Hearing: SB 68
Executive Action: SB 68 Be Concurred In
SB 47 Be Concurred In
SB 34 Be Concurred In

{Tape: 1; Side: A; Approx. Counter: 001; Comments: None.}

HEARING ON SB 68

Opening Statement by Sponsor:

SEN. J.D. LYNCH, Senate District 19, Butte, stated that SB 68 came to him from a friend of his who was a garbage hauler and who was always over-weight. SB 68 would give all trucks the same rights as livestock haulers with a 7% variance for over-weight vehicles.

Proponents' Testimony:

Tom McGree, McGree Trucking, Butte, stated that he has put additional axles on his trucks to comply with current law. But, in the spring when his loads of garbage are heavier due to water build-up this 7% variance will help tremendously.

Dave Galt, Administrator, Motor Carriers Services Division, Montana Department of Transportation, stated that this bill would give over-weight trucks the option of purchasing a \$10.00 over-weight permit as long as they are in the 7% variance. He also stated that SB 68 would treat all truckers fairly.

Keith Olson, Montana Logging Association, stated that logs shift during transit and cause the loads to be over-weight on certain axles. He stated that he recommends do pass on SB 68.

Ben Havdahl, Montana Motor Carriers Association, spoke in favor of SB 68.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. ROGER SOMERVILLE stated that when the Highways Committee passed HB 86 they inserted language on page 3 paragraph 3 and he asked if the committee could insert that language in this bill. Dave Galt replied that the committee does not need to do that because it would not be conflicting language. SEN. J.D. LYNCH stated that the bill's code coordinator will take care of coordinating the two bills and it would not be necessary to add this to SB 68.

HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE

February 1, 1995

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REP. PAT GALVIN asked if all truckers who were over-weight would they be issued a \$10.00 over-weight permit. **Mr. Galt** replied that only if they are in the 7% over-weight variance. He stated that if they are over that 7% variance the trucker will receive a citation. He also stated that SB 68 would bring all of the truckers into compliance.

REP. JACK WELLS asked if the \$10.00 fee will cover the administrative costs of issuing these over-weight permits. **Mr. Galt** replied that yes, the \$10.00 fee will cover the administrative cost. He said that he estimates the over-weight permits costs the State of Montana \$4.50. There would be an approximate \$5.50 profit.

CHAIRMAN SHIELL ANDERSON asked if SB 68 would affect the "Fat Cow Bill." **Mr. Galt** replied no.

Closing by Sponsor:

SEN. J.D. LYNCH stated that SB 68 is a fair bill and it is in the guidelines of federal law.

{Tape: 1; Side: A; Approx. Counter: 268; Comments: None.}

EXECUTIVE ACTION ON SB 68

Motion: **REP. DANIEL MCGEE** MOVED SB 68 BE CONCURRED IN.

Discussion: None

Motion/Vote: The question was called. Motion **CARRIED** unanimously.

Note: **CHAIRMAN SHIELL ANDERSON** asked if **REP. BILL RYAN** would carry SB 68 on the House floor. **REP. BILL RYAN** replied that he would carry SB 68.

EXECUTIVE ACTION ON SB 47

Motion: **REP. PAT GALVIN** MOVED SB 47 BE CONCURRED IN.

Discussion: None

Motion/Vote: The question was called. Motion **CARRIED** unanimously. **REP. DANIEL MCGEE** to carry on House Floor.

EXECUTIVE ACTION ON SB 34

Motion: REP. CHARLES DEVANEY MOVED SB 34 BE CONCURRED IN.

Discussion:

REP. DANIEL MCGEE stated that he did not see anything in the bill that addresses the type of testing that will be done for alcohol. He also stated that he knows that alcohol will show up in the blood when a person has not been drinking. He asked how the testing will be done. REP. BOB CLARK stated that there has to be reasonable grounds to test someone who has been drinking. He stated that usually the Highway Patrol will check for the smell of alcohol on the breath and/or the actions of the person before they can ask them to submit to an alcohol test. He stated that no one will be subjected to a test unless they are suspected of drinking.

REP. DANIEL MCGEE asked if there was anything in the bill that states what type of testing will be used. Greg Petesch, Legal Council, said that page 6, line 18 states the type of testing. REP. BOB CLARK stated that usually the officer will request a breathalyzer test.

REP. DANIEL MCGEE stated that he agrees with the bill, but he disagrees with the phrase "any measurable" alcohol in the blood. He asked if the Department of Transportation is comfortable with the bill. Brenda Nordland, Department of Transportation, stated that the machines used now are not calibrated to be accurate under a .02 alcohol blood level. The .02 alcohol level is already in current law. REP. MCGEE asked where the number .02 came from. Ms. Nordland stated that it was in federal regulations.

REP. BILL RYAN said that the State should not waive tests for these people. REP. MARIAN HANSON stated that SB 34 is in effect during the harvest season only.

REP. BILL RYAN asked if the fertilizer trucks would be affected by this bill. Greg Petesch referred to page 2, line 16 in the bill that fertilizer trucks would be a for-hire vehicle and they are not included in SB 34.

Brenda Nordland stated that when a person goes to apply for one of these seasonal commercial drivers licenses their driving record is checked and it has to be clean in order to receive one.

{Tape: 1; Side: A; Approx. Counter: 837; Comments: None.}

Motion/Vote: The question was called. Motion **CARRIED** unanimously. REP. SCOTT ORR to carry on House Floor.

HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE

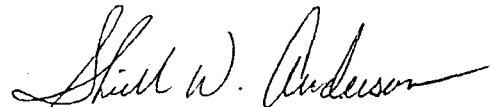
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{Tape: 1; Side: A; Approx. Counter: 846; Comments: None.}

ADJOURNMENT

Adjournment: 3:32 P.M.



REP. SHIELL ANDERSON, Chairman



KIMBERLEE GREENOUGH, Secretary

SA/ksg

HOUSE OF REPRESENTATIVES

Highways

ROLL CALL

DATE 02-01-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Shiell Anderson, Chairman	✓		
Rep. Rick Jore, Vice Chairman, Majority	✓		
Rep. Pat Galvin, Vice Chairman, Minority	✓		
Rep. Joe Barnett			✓
Rep. Matt Brainard			✓
Rep. Bob Clark	✓		
Rep. Charles Devaney	✓		
Rep. Marian Hanson	✓		
Rep. Don Larson			✓
Rep. Rod Marshall	✓		
Rep. Linda McCulloch		✓	
Rep. Daniel McGee	✓		
Rep. Jeanette McKee	✓		
Rep. Bill Ryan	✓		
Rep. Dore Schwinden	✓	Late	
Rep. Roger Somerville	✓		
Rep. Joe Tropila			✓
Rep. Jack Wells	✓		



HOUSE STANDING COMMITTEE REPORT

February 2, 1995

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Mr. Speaker: We, the committee on **Highways and Transportation** report that **Senate Bill 68** (third reading copy -- blue) be concurred in.

Signed. *Jim Greenough*
Shiell Anderson, Chair
for Rep. Shiell Anderson

Carried by: Rep. Ryan

Committee Vote:
Yes 17, No 0

281518SC.Hbk



HOUSE STANDING COMMITTEE REPORT

February 2, 1995

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Mr. Speaker: We, the committee on **Highways and Transportation** report that **Senate Bill 47** (third reading copy -- blue) be concurred in.

Signed:

Kym Greenough
Shiell Anderson, Chair
for Rep. *Shiell Anderson*

Carried by: Rep. McGee

Committee Vote:
Yes 17, No 0.

281519SC.Hbk



HOUSE STANDING COMMITTEE REPORT

February 2, 1995

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Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 34 (third reading copy -- blue) be concurred in.

Signed:

Kim Greenough
Shiell Anderson, Chair
for Rep. *Shiell Anderson*

Carried by: Rep. Orr

Committee Vote:
Yes 17, No 0.

281520SC.Hbk

HOUSE OF REPRESENTATIVES

ABSENTEE VOTE

Date

2-1-95

Mr. Chairman/Mr. Speaker:

I, the undersigned member, hereby vote absentee on:

The following Bill No. _____

Representative

Joe Barnett

voting

(aye or no)

2/1/95

Rep. Dore Schwenden
has my proxy this
day for any and
all votes.

J. P. Riggs

DAN McGee

2/1/95

Please vote my Proxy
IN Hwy Committee
Vote me with you -

Matt Brainerd

**HOUSE
HIGHWAYS COMMITTEE**

FEBRUARY 1ST

HEARING:

yes
SB 68-SEN. J.D. LYNCH

ACTION NOT TAKEN ON:

HB 248-REP. BERGSAGEL

HB 254-REP. EWER

SB 34-SEN. SWYSGOOD

YES

NO

YES

H347 yes

*Out,
Please
Vote
me
Quesada*

BILLS IN THE SCHEDULING PROCESS:

HB 364-REP. MILLS

SB 49-SEN. SWYSGOOD

SB 91-SEN. COLE

SB 104-SEN. HARGROVE

SB 160-SEN. NELSON

**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

Highways & Transportation COMMITTEE

BILL NO. SB68

DATE 02-01-95

SPONSOR(S) Sen. J. D. Lynch

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.