

**MINUTES**

**MONTANA SENATE  
54th LEGISLATURE - REGULAR SESSION  
COMMITTEE ON HIGHWAYS & TRANSPORTATION**

**Call to Order:** By **CHAIRMAN LARRY TVEIT**, on February 14, 1995, at 12:37 p.m. in Room 410.

**ROLL CALL**

**Members Present:**

Sen. Larry J. Tveit, Chairman (R)  
Sen. Charles "Chuck" Swysgood, Vice Chairman (R)  
Sen. Mack Cole (R)  
Sen. Ric Holden (R)  
Sen. Reiny Jabs (R)  
Sen. Arnie A. Mohl (R)  
Sen. Greg Jergeson (D)  
Sen. Linda J. Nelson (D)  
Sen. Barry "Spook" Stang (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Connie Erickson, Legislative Council  
Carla Turk, Committee Secretary

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

**Committee Business Summary:**

Hearing: SB 294  
SB 361  
SB 378

Executive Action: SJR 9  
SB 205  
SB 245

**EXECUTIVE ACTION ON SJR 9**

**Motion:**

SENATOR LINDA NELSON MOVED TO AMEND SJR 9 WITH AMENDMENT NUMBER SJR00901.ACE.

Discussion:

SENATOR SWYSGOOD said he wasn't speaking against the reference to any specific highway number being stated in the Legislation. He did not think any reference was needed, and suggested stating "a plan to aggressively improve high priority highways corridors and other important Montana highways that link our cities". He maintained that the Montana Department of Transportation already knew the corridors needing improvement without having to specifically name them.

Motion:

SENATOR CHUCK SWYSGOOD MADE A SUBSTITUTE MOTION TO DELETE ANY REFERENCE TO HIGHWAY NUMBERS FROM THE RESOLUTION. He asked that Legislative Staff appropriately draft the language needed.

Discussion:

SENATOR MACK COLE said he agreed with the substitute motion, and felt that every highway in the State would otherwise be listed in the Resolution.

THE QUESTION WAS CALLED FOR.

Vote:

SENATOR CHUCK SWYSGOOD'S SUBSTITUTE MOTION TO DELETE ANY REFERENCE TO HIGHWAY NUMBERS FROM THE RESOLUTION CARRIED UNANIMOUSLY.

SENATOR NELSON WITHDREW HER PREVIOUS MOTION.

SENATOR GREG JERGESON pointed out language, naming a specific highway, on line 17 which would conflict with the amendment just passed.

Motion:

SENATOR SWYSGOOD MOVED INSERT A "." AFTER "RATE" ON LINE 19, AND STRIKE "THAT NUMBERED 27 MONTANANS IN 1993-94 ON HIGHWAY 93 ALONE; AND". THE MOTION CARRIED WITH SENATOR JABS VOTING NO.

Discussion:

**SENATOR NELSON** stated that **Tom Hardin** had testified that he wanted to add another portion to the Resolution, to provide \$15-million annually to counties. **SENATOR NELSON** recalled that he had wanted the language included as a "subsection (5), on page 2". She did not know if the Committee wished to add the language, but remembered the testimony, even though there was no formal amendment presented.

**SENATOR SWYSGOOD** said he had the language noted on page 1, on line 25, following "program". He stated a concern regarding placement of any set amount of money in the Resolution, when the State's amount of Federal Money was unknown. He said that could lock the Montana Department of Transportation into a budget problem they had no control over.

**CHAIRMAN TVEIT** asked if the Department wished to express their thoughts on the suggested language. **Marvin Dye, Director, Montana Department of Transportation (MDT)** said that reference to the \$15-million was current level budget for Wholly State Funded Programs dedicated to Secondaries. He had perceived that **Mr. Hardin** had wanted to make sure those dollars remained in the budget and weren't, in some way, reallocated.

Motion:

**SENATOR ARNIE MOHL MOVED SJR 9 DO PASS AS AMENDED.**

Discussion:

**SENATOR RIC HOLDEN** stated the MDT knew the Highway System and was aware of what needed to be done, and expressed the feeling that the Resolution would occupy valuable time the Department did not have to spare. He said he did not favor doing anything more with the Resolution.

**SENATOR JERGESON** said it appeared the Legislation could potentially establish a pattern, whereby the Legislature repeatedly passed Joint Resolutions, which pressured different Departments, and circumvented the appropriation and taxation policy decisions normally handled in other ways. He felt SJR 9 could potentially start a bad precedent. He reported never having seen this type of approach before and did not feel it would change how decisions needed to be made. He stated that he did not feel a Joint Resolution was the appropriate approach to policy or fiscal issues.

THE QUESTION WAS CALLED FOR.

Vote:

SENATOR ARNIE MOHL'S MOTION THAT SJR 9 DO PASS AS AMENDED FAILED WITH SENATOR MOHL VOTING YES.

Motion/Vote:

SENATOR SWYSGOOD'S MOTION TO TABLE SJR 9 CARRIED UNANIMOUSLY.

CHAIRMAN TVEIT stated that the proponents of SB 205, which had been tabled, would have liked to had the length portion of the Bill passed even though the Department could not accept the proposed width. He said that it had been determined that the Department was willing to accept the length proposed in SB 205.

EXECUTIVE ACTION ON SB 205

SENATOR SWYSGOOD'S MOTION TO RECONSIDER ACTION ON SB 205 CARRIED UNANIMOUSLY.

Motion:

SENATOR SWYSGOOD MOVED TO AMEND SB 205 WITH AMENDMENT NUMBER SB020501.ACE (EXHIBIT # 2).

Discussion:

SENATOR SWYSGOOD asked the Department if the language in the amendment was acceptable to the Department? Dave Galt, Motor Carrier Services Division, Montana Department of Transportation, stated yes.

THE QUESTION WAS CALLED FOR.

Vote:

SENATOR SWYSGOOD'S MOTION TO AMEND SB 205 WITH AMENDMENT NUMBER SB020501.ACE CARRIED UNANIMOUSLY.

Motion/Vote:

SENATOR SWYSGOOD'S MOTION THAT SB 205 DO PASS AS AMENDED CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 245

Motion/Vote:

SENATOR NELSON'S MOTION TO AMEND SB 245 WITH AMENDMENT NUMBER SB024501.ACE (EXHIBIT # 3) CARRIED UNANIMOUSLY.

Motion:

SENATOR SWYSGOOD MOVED TO AMEND SB 245 WITH THE AMENDMENT CONTAINED IN (EXHIBIT # 3A).

Discussion:

SENATOR SWYSGOOD said the amendment simply struck the reference to the front axle on page 2, lines 9 and 10. He stated that he felt the restriction could potentially have an affect on some industries.

SENATOR JABS asked if putting 20,000 pounds on a single tire axle wasn't hard on the highways? Mr. Galt said it was correct; if 20,000 pounds was placed on a single axle with two tires, it would be 10,000 pounds per tire.

SENATOR SWYSGOOD said he felt it was infrequent when a vehicle was loaded anywhere near that weight on the front axle. He stated that the loading conformance wouldn't allow that weight distribution on most units.

SENATOR MOHL said he also had a problem with restrictions on the front axle because he thought it would affect concrete trucks, even though they had wider tires. He said he favored the amendment.

THE QUESTION WAS CALLED FOR.

Vote:

SENATOR SWYSGOOD'S MOTION TO AMEND SB 245 WITH THE AMENDMENT CONTAINED IN (EXHIBIT # 3A) CARRIED UNANIMOUSLY.

Motion/Vote:

SENATOR SWYSGOOD'S MOTION THAT SB 245 DO PASS AS AMENDED CARRIED UNANIMOUSLY.

HEARING ON SB 361Opening Statement by Sponsor:

SENATOR JEFF WELDON, SD 35, Arlee, said he was bringing SB 361 on behalf of the Governor's Task Force to Renew State Government. He said SB 361 would transfer the Highway Traffic Safety Program, from the Department of Justice, to the Montana Department of Transportation (MDT). He said the Bill would also expand the authority to allow Officers of the Motor Carrier Services (MCS) to inspect for violations involving vehicle driver licenses and vehicle registration. He said the Task Force looked at ways to streamline the administration process and coordinate functions within the State. He stated that federal law also required the Governor to be responsible for the Highway Traffic Safety Program. He explained that since the Attorney General was an elected official, not directly responsible to the Governor, the Highway Traffic Safety Program could not be under the authority of the Department of Justice without jeopardizing the federal funds for the Program. He said the Task Force felt that the Program should continue to focus of emphasis on law enforcement and safe driver behavior. He said SB 361 did not change the focus of the Program.

SENATOR WELDON said the second provision of SB 361 would expand the authority of the MCS Officers to inspect for violations involving drivers licenses and vehicle registration. He said the MDT supported increasing the Officer's authority in those two areas. He said that presently these two areas were not part of the MCS authority and the MCS Officers could only enforce them when a vehicle operator came under federal authority. He said that when an Officer discovers violations in these areas they presently contacts either local law enforcement or the Montana Highway Patrol. He stated that since the MCS Officers were already checking motor carriers for other violations, these duties could easily be assumed and eliminate the need for assistance from other law enforcement agencies.

Proponents' Testimony:

David Ashley, Deputy Director, Department of Administration, said he had served on the Task Force, and they were recommending SB 361. He said the Task Force's goal had been to look at how Montana was structured. He said the Highway Traffic Safety Program was in limbo for reasons already described, and therefore unattached to either the Governor or the Attorney General. He

said the Task Force felt that, for purposes of accountability, the Program should be directly responsible to one of those two. He reiterated **SENATOR WELDON'S** explanation of the federal requirements and stated the Task Force had concluded that the Program fit the mission of MDT. He said the Governor had accepted that recommendation and SB 361 was the direct result.

**Mr. Ashley** said the benefits of the Bill were program accountability and public access. He said the Task Force had felt the public deserved an understanding of the administrative structure, for purposes of simplifying it and making it understandable. He said the Task Force thought the MCS Officers could alleviate some of the more minor violations the Montana Highway Patrol typically became involved in.

**Dal Smilie, representing Montana Members of the American Motorcycle Association**, said that for years their Organization had testified on various motorcycle issues and had encountered confusion as to who their opposition had represented. He said that when they tried to question the Attorney General's and Governor's Office, they both stated they were not being represented with that testimony. He attested that each had felt authority was with the other Office. He said their Organization had never been able to find where the authority resided and felt there should more accountability. He passed out (**EXHIBIT # 4**) and stated that the brochures were in all drivers license offices. He stated the brochures were paid for with public money and advocated mandatory a motorcycle helmet law. He reported that neither the Governor nor the Attorney General support this law. By what authority, then did the Highway Traffic Safety Program support such a law? He again stated the need for accountability and urged passage of the Bill.

**Pat Saindon, Administrator of the Transportation Planning Division, Montana Department of Transportation**, said she was only going to speak to the portion of the Bill which transferred the Highway Traffic Safety Program to the MDT. She said the Task Force did not find anything wrong with how the Program was being administered. She said the recommendation to transfer the Program was to improve efficiency of Government and coordinate Government Services, like the streamlining process which was happening at all levels of government. She said the Highway Traffic Safety Program and the Transportation Planning Programming units, along with five other existing programs within the Intermodal Transportation Administration, would be combined in SB 361.

**Ms. Saindon** said transfer of the Highway Traffic Safety Program would remain important to the national program, as safety continued to be one of the fundamental principles guiding the U.S. Department of Transportation. She said the Bill underscored the federal government's desire to maximize the coordination between safety and the delivery of all transportation services. She said that if anything, this Bill was an outgrowth of the 1991

Federal Intermodal Surface Transportation Efficiency Act (ISTEA). She said the federal government required the MDT to administer six management systems, and one of those was the Safety Management System. **Ms. Saindon** said MDT estimated that, within the Safety System, about half of the responsibilities were MDT's and the other half belonged to the Highway Traffic Safety Units. She said that coordination between the two was essential if the State was going to be able to certify that requirements for implementation were met, because as much as \$10-\$16-million annually of the federal highway construction funds could be withheld if coordination was inadequate in developing MDT's Hazard Elimination Program. She said there was currently coordination being done, and the proposed transfer would probably offer enhancement. She reported that her opinion was based on the fact that the preferred location for the Highway Traffic Safety Program, was primarily with the state departments of transportation. She said that of the sixteen states surveyed, ten states located their Highway Traffic Units within the state's department of transportation and had reported the arrangement enhanced coordination, budget flexibility, and access to support for servicing and implementing federal requirements. She predicted that the coordination between different program areas was improved with the development of the Montana Department of Transportation and felt the enhancement process would only continue with this proposal. She attested it was important to find ways of providing the most efficient and highest levels of service and maintained that the MDT was committed to safety. She stated that if the Highway Traffic Safety Program transfer was approved, there would be no change of focus for the unit. However it would enable State government to better serve Montana Citizens in the future. She urged the Committee to pass SB 361.

**Dave Galt, Administrator of the Motor Carriers Division, MDT,** spoke to the portion of the Bill which increased the arrest authority for the MCS Officers. He reported that the Task Force had quickly realized the concern that there were not enough law enforcement officers on the street and had discussed ways to achieve that goal. He said it had been suggested to take MCS Officers away from the weigh station duties and expand their authority to do more of the routine law enforcement duties of sheriffs and highway patrolmen. He said the MDT had offered the alternative that if MCS Officers were authorized they could handle some of the issues which arose at the weigh stations, currently done by the Highway Patrol and local law officers, and render law enforcement the time to fulfill their other duties. He said the areas of authority in State Statute being requested were vehicle registration and drivers license. He said that currently MCS Officers only enforced the GVW portions of registrations and did not have authority over any unlicensed vehicle which came through the weigh stations. He said that even though a truck was licensed for a year at a time, GVW fees could be purchased by the month or by the quarter. He reported that this different time increment could lead to a license being expired while the GVW fees were still legally paid. He said that



when his Officers found a vehicle without current registration, they either had to let it go with issuance of a warning or contact local law enforcement which they often did. He maintained that registration enforcement fit hand-in-hand with what was currently being done in weigh stations.

**Mr. Galt** said that vehicles over 20,000 pounds were required to be operated by someone with a commercial drivers license, and those fell under the federal regulations where his Officers had jurisdiction. He said that if a vehicle did not fall under federal jurisdiction, such as a light truck, they did not have authority to deal with drivers out of compliance regarding their drivers license. He said they once again had two options; let the person go or contact local law enforcement. He maintained that authorization of MCS Officers fit hand-in-glove with their current duties.

**Mr. Galt** clarified that additional GVW authority or MCS authority did not increase FTEs, did not increase the Department's expenditures. However it was clearly an increase in the enforcement authority, although minor, that MCS Officers currently had.

**Jill Z. Smith-McGuire**, said she was a volunteer lobbyist speaking for **American Bikers Aiming Toward Education (ABATE)** of Montana, read written testimony contained in (**EXHIBIT # 5**). She said they supported the Legislation because through the years they had never felt clear just who the Program was responsible to report to. She stated that the Attorney General's and Governor's Offices had never explained who **Mr. Goke's** Office was responsible to. She said that last Session **Mr. Goke** had testified for the mandatory headgear bill, and stated he couldn't possibly use the \$1.5-million which would be transferred to his safety fund as a result of the helmet law not going into effect. She presented the Committee with a proposed budget for the \$1.5-million (**EXHIBIT # 6**). She urged the Committee to pass SB 361 and consider the amendment their organization was offering in (**EXHIBIT # 7**).

**Colonel Craig Reap**, **Montana Highway Patrol**, said he spoke in favor of Section 4 of the Bill, which was the increasing of authority for the MCS Officers. He reiterated there was sometimes a problem getting law enforcement assistance for violations MCS Officers encountered. He said the Bill would help the Montana Highway Patrol by giving them more opportunity to carry out their other duties.

**Opponents' Testimony:**

None

Questions From Committee Members and Responses:

**SENATOR RIC HOLDEN** stated **Colonel Reap** had spoken in favor of Section 5 of the Bill, and asked about the other Sections? **Colonel Reap** replied that he had not been involved in those portions, but had been involved in the authority expansion.

**SENATOR HOLDEN** said a local sheriff had asked him not to vote for the Bill, and asked **Colonel Reap** why he thought that may be? **Colonel Reap** stated he saw the Bill as two separate issues, and did not feel in a position to decide whether the issues should be split. He asked to reserve his opinion on the first Sections of the Bill.

**SENATOR MACK COLE** asked how much money the Bill would cause to be transferred from the Department of Justice for highway safety? **Al Goke, Administrator of the Highway Traffic Safety Division, currently at the Department of Justice,** said the budget was approximately \$4.8-million annually for the biennium.

**SENATOR COLE** asked if any of the budget was currently used for the motorcycle programs? **Mr. Goke** replied that current biennium plans did not include any funding for the motorcycle programs.

**SENATOR BARRY STANG** said a majority of mail he'd received in opposition to SB 361 Bill expressed fear that the focus of the Program would change and testimony had refuted that fear. He asked what information could have made concerned parties think the focus may change? **Mr. Goke** said he thought a lot of the concern arose as one of history, as his Program's attachment to the Department of Justice was an issue which had been visited in the past. He reported that close study of the placement occurred in 1981 when the decision was made and again when the Department of Transportation was formulated. He said he thought the traditional concern was based on the fact that functions of his Program were usually placed in a department of public safety, when states had such a department. He said his Program probably related to law enforcement issues more closely than they had regulatory issues, even though they dealt quite closely with local governments on regulatory issues. He stated that federal law had clearly been the handle which dictated placement with the Department of Transportation.

**SENATOR STANG** asked why **Mr. Goke** had not seen fit to put the \$1.5-million into the motorcycle program, when he knew the motorcycle people were pursuing a means to put more money in their safety training program. **Mr. Goke** had personally testified that helmets and motorcycle education were important. **Mr. Goke** said the real issue was, the decision as to where the extra money would be spent. He said significant effort went into determining where the penalty money should be placed. He reported it was cooperative effort of the Budget Office, Department Heads, and the Governor himself. **Mr. Goke** attested that it was clearly not his own choice.

**SENATOR STANG** referred to his earlier statement regarding opposition, and asked if any change in the mission of **Mr. Goke's** Division was foreseen if it were moved to the MDT. **Pat Saindon** answered no.

**SENATOR ARNIE MOHL** asked if the MCS Officers were trained to do the type of safety work proposed in the Bill and asked what type of vehicles they would be dealing with? **Mr. Galt** said the MCS Officers were trained to do commercial vehicle safety inspections. He said the portion of the Bill which affected MCS Officers was totally apart from Highway Traffic Safety. He stated that the only thing being attempted was to expand the ability of an MCS Officer to issue a citation and take corrective action when an operator of a vehicle does not have a drivers license or when a vehicle registration is out of compliance.

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**SENATOR REINY JABS** asked if license issuance would be taking place at the weigh stations, or would it just be citation issuance? **Mr. Galt** said they would not be issuing a license plate for a vehicle or a drivers license at the weigh stations. He said the Bill would allow MCS Officers to take corrective action which included issuance of a citation to a person who did not have their vehicle registered.

**CHAIRMAN TVEIT** asked if the Legislation only pertained to trucks crossing their weigh scales? **Mr. Galt** said that was correct, and stated the language was contained on page 2, line 28 where it referred to Chapters 3 and 5. He explained that Chapter 3 was registration and Chapter 5 was drivers license, and their Officers would allowed to enforce these Chapters only if the vehicle involved was subject to 61-10-141 which was the Statue ordering trucks to enter a weigh station. He said the Bill referred to vehicles over 10,000 pounds for their portable units and over 14,000 pounds for the weigh stations.

Closing by Sponsor:

**SENATOR WELDON** said there were two policy questions in the Bill; one was whether to give MCS Officers the specified, additional authority, and whether the Highway Traffic Safety Program should be within the MDT. He stated they were two questions with a lot of ramifications, were fairly complicated issues, but were relatively straight forward. He attested that he would leave those two questions to the Committee.

**CHAIRMAN TVEIT ANNOUNCED THE HEARING ON SB 361 AS CLOSED.**

HEARING ON SB 294Opening Statement by Sponsor:

**SENATOR ARNIE MOHL, SD 39, Kalispell,** stated SB 294 was a simple Bill pertaining to the fact that fertilizer trucks could now be purchased on either a tractor or truck chassis. He explained that if the fertilizer truck was on a truck chassis it was required to be licensed while those on a tractor needed a Special Mobile Equipment (SM) license plate. He reported that the Bill provided necessary clarification and addressed licensed spreader trucks, with the large floatation tires, which were not allowed on the highways. He said the Legislation would allow transit on the highways when the vehicle was registered with an SM plate.

Proponents' Testimony:

**Pam Langley, Executive Director, Montana Agricultural Business Association,** read her written testimony (**EXHIBIT # 8**) in support of SB 294. She testified that it was most important to know the Bill made all fertilizer spreader equipment SM vehicles for registration and licensing purposes only. She stated the Bill did not exempt them from any safety requirements or the commercial drivers license required for any SM vehicle.

**Ms. Langley** stated the Bill eliminated a conflict in State law, which currently required fertilizer spreader trailers to be licensed as SM equipment, while also stating they were to pay the 35% GVW fees. She reported that her Organization's Transportation Committee, the Montana Department of Transportation (MDT), and Department of Justice had met throughout the last year to develop this Legislation. She asked for the Committee's support.

**Dave Galt, Administrator, Montana Motor Carriers Division,** reported there had been previous Session clarifications made within the special mobile equipment definition. He said that action had resulted in an inequitable treatment of fertilizer spreaders. He stated that if a fertilizer spreader was built on a truck chassis it was considered a truck, and considered a tractor if built on a tractor chassis. He said the proposed Legislation corrected the licensing difficulties between these two groups within the definition of special mobile equipment. He affirmed the development process for the Bill and urged the Committee's support.

**Brenda Nordlund, Department of Justice,** said she was basically appearing to echo the issues raised by **Mr. Galt and Ms. Langley.** She reiterated that the three entities had worked cooperatively to develop a resolution to a problem which had inadvertently developed due to previous legislation. She stated that the language in Section 1 of the Bill would assure that no highway

funding would be jeopardized due to noncompliance with the commercial drivers licensing law. She reported the Department stood as a firm proponent of SB 294.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR STANG asked if the fertilizer spreaders on truck chassis were ever removed, to facilitate other uses for the truck, and would need licensed in compliance with other Statutes. Mr. Galt said he did not believe the spreaders were removed for other utilization. He stated that if they were removed, Statute would apply to a large truck.

Closing by Sponsor:

SENATOR MOHL termed the Bill as needed clarification and thought the fiscal impact was likely greater without the clarification than the amount indicated on the fiscal note.

CHAIRMAN TVEIT ANNOUNCED THE HEARING ON SB 294 AS CLOSED.

HEARING ON SB 378

Opening Statement by Sponsor:

SENATOR CHUCK SWYSGOOD, SD 17, Dillon, stated SB 378 was an act eliminating state regulation of certain motor carriers and transferring certain programs from the Public Service Commission (PSC) to the Montana Department of Transportation (MDT). He said his original intent had been to deregulate everything which related to motor carriers, passenger carriers, etc., which the PSC controlled. He stated that in January of 1995 the federal government had preempted intrastate property carriers from regulation, just as interstate carriers who had already been deregulated. He said the federal decision had resulted in Montana and a number of states filing a court suit, based upon state's rights provisions. He said the hearing was held and the decision rendered to uphold Congress' right to deregulate intrastate transportation of property. He said the federal law did not deregulate household goods carriers, passengers and buses, or garbage and waste carriers. He said the original draft of SB 378 had included deregulation of those specific carriers as well. He reported the Court decision had resulted in pressure to

eliminate those groups from deregulation. He explained that the current draft of the Bill strictly dealt with the deregulation of carriers of property. He said the Bill did not deregulate garbage haulers, household goods carriers, passengers and buses who would still be regulated. He attested that SB 378 stated that the PSC would no longer have any control or authority over property carriers in the State of Montana.

**SENATOR SWYSGOOD** said one portion of the Bill transferred the Single State Registration Program to the Montana Department of Transportation (MDT). He said an amendment would be needed to repeal 69-12-405, which pertained to livestock haulers, who are currently deregulated through their own separate Statute.

**Proponents' Testimony:**

**Jerome Anderson**, representing the Montana Transfer and Warehousemen's Association, Household Goods Carriers, and the Montana Passenger Carriers Association, said they supported SB 378 and thanked **SENATOR SWYSGOOD** for his consideration for their concerns and his cooperation with them throughout his drafting of the Bill. **Mr. Anderson** affirmed the sponsor's statement that the Bill was the result of Congressional action which occurred late in 1994 when United Parcel Services (UPS) and Federal Express became concerned about intrastate regulation of their land-based transportation operations from airport to delivery point. He reported that the Airport Authorization Act had been amended to deregulate all intrastate transportation from the federal level. He explained that Congress later recognized the unique characteristics of household goods carriers, passenger carriers, and solid waste and garbage carriers and had exempted them from the legislation. He agreed that the Motor Carrier Act should be repealed, with regard to the transportation of property, but stated that the groups he represented desired to continue being regulated.

**Mr. Anderson** stated that SB 378 allowed their segment of the Industry to continue being regulated and gave carriers some protection, but also continued their obligations to serve the public on a continuing basis. There would still be control over rates and charges, requirements for maintaining insurance at specified levels, for the safety of the traveling public, and carrier obligation to maintain facilities and equipment adequate to meet all of the service requests. He noted the presence of PSC Members, attested to their support of the Bill, and stated those Members were present to answer any questions. **Mr. Anderson** urged the Committee's favorable consideration of the Bill. He reported that representatives from the Associations he represented were present, if needed for questions, but in the interest of time they would not individually testify as proponents.

**Ben Havdahl, representing the Montana Motor Carriers Association (MMCA)** said he had prepared a written statement, which he would pass to Committee Members, instead of reading it in its entirety (**EXHIBIT # 9**). He highlighted MMCA's position on the Bill by relating to the progression of the drafting of SB 378. He said the MMCA Board of Directors had met in January, regarding the original intent of the Bill for complete deregulation, to establish a new policy relating to economic regulation of intrastate motor carriers. He stated that for years the MMCA had supported continued regulation and a new policy had been adopted to no longer support intrastate motor carrier regulation. He said the policy adopted had not been aimed at seeking deregulation of regulated intrastate motor carrier operations which were not affected by the federal law. He said SB 378 represented downsizing of the scope of economic regulation under PSC and provided for the continued regulation of those carriers not affected by federal law. He reported the transfer of functions, contained in the Bill, were also consistent with the second policy statement adopted at MMCA's Board of Directors meeting. He stated SB 378 was currently consistent with the position adopted by their Board and they supported the measure.

**Jim Lighter, President of the Montana Solid Waste Contractors Association**, said their Association represented about 22 local-waste contractors in Montana, who employed several hundred collection workers, and landfill operators. He stated they would like to urge the Committee's support of the Bill and thanked **SENATOR SWYSGOOD** for working with their membership to make the appropriate amendments (**EXHIBIT # 9A**).

**Dave Galt, Administrator, Motor Carriers Services Division for the Montana Department of Transportation**, stated the single state registration system had a number of striking similarities with the International Registration Plan which his Division administers and offered to answer any question they may have.

#### Opponents' Testimony:

Copies of a letter of opposition to SB 378 were provided to Committee Members. The letter was from **Roger Bessler, Soil Remediation Services, Inc.** (**EXHIBIT # 10**).

#### Questions From Committee Members and Responses:

**SENATOR JABS** asked what the term property carriers specified and asked what they carried? **SENATOR SWYSGOOD** said property carriers would be considered every other type of carrier than those named as exempt. He said they were usually the commercial trucking portion of the Industry.

**SENATOR STANG** asked if SB 378 would address those who provided transportation for the school lunch program? **SENATOR SWYSGOOD** stated yes, as those carriers were no longer regulated.

**SENATOR COLE** referred to page 8, line 12, and asked why "tow trucks" had been struck; were they also deregulated? **SENATOR SWYSGOOD** stated yes, that was correct.

**SENATOR JERGESON** asked if school buses would still be illegal for transportation, other than for students? **SENATOR SWYSGOOD** said that would still be how the law read.

Closing by Sponsor:

**SENATOR SWYSGOOD** said the concern **SENATOR JERGESON** raised was still a part of being regulated and thought that was why most garbage haulers were concerned about deregulation. Competition would be allowed and these carriers had a considerable amount of money invested. He commented that carriers who wished to remain regulated had received an opportunity, through this Hearing, to make their wishes known and stated that was more of a chance than other carriers had been granted. He reminded them the day was fast approaching when they would not have that opportunity. He reported this as the second time he had experienced a reduction in their investment, regarding authorities they had lost. He said that the federal government had left it to the states to decide how deregulation was going to be handled and attested SB 378 was the answer. He said the Bill completely removed the property carriers out from under the jurisdiction of the PSC, and the balance of the requirements were transferred to MDT.

**CHAIRMAN TVEIT ANNOUNCED THE HEARING ON SB 378 AS CLOSED.**

EXECUTIVE ACTION ON SB 361

Motion:

**SENATOR STANG MOVED SB 361 DO PASS.**

Discussion:

**SENATOR MOHL** asked for clarification of who would be doing safety checks on vehicles which would not be crossing weigh scales? **Mr. Galt** said the Highway Traffic Safety Division felt the laws of vehicle safety inspections, those done by the Motor Carriers Services Safety and Assistance Program housed in the Montana Highway Patrol, were not applicable to vehicles which did not cross weigh scales, as they weren't required to take any type of vehicle safety test. He said those vehicles which may somehow



circumvent weigh scales were accessed for inspection through the portable scales used by MCS Safety Enforcement Officers.

**SENATOR MOHL** asked where motorcycles fit in to the scenario? **Mr. Galt** stated there hadn't been a Motorcycle Safety Program enacted last Session, even though the motorcycle people had wanted one.

**SENATOR STANG** said that currently the Office of Public Instruction (OPI) had a bicycle and motorcycle safety training program. He said that about four years ago the motorcycle people began assessing a fee on their own license to maintain the fund for training motorcycle operators, because a motorcycle endorsement was needed before you could get a license to drive a motorcycle. She explained that the assessment wasn't sufficient to cover the expenses of the program, and the motorcycle people had felt that a portion of **Al Goke's Division budget** should have gone to fund motorcycle and bicycle safety.

**CHAIRMAN TVEIT** reminded the Committee there had been an amendment presented for consideration by **Ms. Smith-McGuire**. He read the proposed amendment in **EXHIBIT # 7** and asked the Committee for their thoughts.

**SENATOR HOLDEN** asked **SENATOR STANG** to comment on the proposed amendment. **SENATOR STANG** said he had historically voted in support of the motorcycle people, but he wasn't sure he would like the amendment in this particular Bill. He said the amendment would prioritize the motorcyclists over someone else in the program, and he felt everyone needed to compete for their funding without a prioritized status.

THE QUESTION WAS CALLED FOR.

Vote:

SENATOR STANG'S MOTION THAT SB 361 DO PASS CARRIED WITH SENATORS SWYSGOOD AND MOHL VOTING NO.

EXECUTIVE ACTION ON SB 294

Motion/Vote:

SENATOR MOHL'S MOTION THAT SB 294 DO PASS CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 378

Motion:

SENATOR SWYSGOOD MOVED TO AMEND SB 378 WITH AMENDMENT NUMBER SB037801.ACE (EXHIBIT # 11).

Discussion:

SENATOR STANG asked why livestock carriers weren't currently regulated? SENATOR SWYSGOOD said that of all the people the PSC had tried to regulate, livestock carriers was the group they had the least success with, primarily because of the agriculture exemption from other laws. He said this was a separate section of the law, not under the Motor Carrier Act, and it had inadvertently been overlooked.

THE QUESTION WAS CALLED FOR.

Vote:

SENATOR SWYSGOOD'S MOTION TO AMEND SB 378 WITH AMENDMENT NUMBER SB037801.ACE, (EXHIBIT # 11) CARRIED UNANIMOUSLY.

Motion:

SENATOR SWYSGOOD MOVE SB 378 DO PASS AS AMENDED.

Discussion:

SENATOR STANG asked if there was a fiscal note and if the tow truckers, who had their own Bill forthcoming, objected to SB 378? Jerome Anderson said the tow truck bill was not affected one way or another by SB 378.

SENATOR STANG asked if the tow truck people knew they were being deregulated in this Bill? Connie Erickson explained that "tow trucks" were struck in Section 9 of this Bill. She stated the same language had been struck in the tow truck bill.

SENATOR STANG asked if there was a fiscal note? SENATOR SWYSGOOD stated there was a fiscal note being prepared. He said the PSC had already made corresponding reductions in their budget during the budget process.

{Tape: 2; Side: A.}

**Jerome Anderson** stated that the fiscal effect on the PSC had been a reduction in force which had been taken care of in the budget process. He said the PSC had assured everyone they could handle whatever regulatory control was left with the reduction in force.

**SENATOR SWYSGOOD** said he didn't believe there was any General Fund money involved, because the PSC was paid by rate matrix. There should be a reduction because of the elimination of the FTE's. **SENATOR SWYSGOOD** stated the Bill could be held from Floor Action until the fiscal note caught up with the Bill.

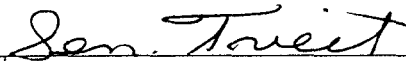
THE QUESTION WAS CALLED FOR.

Vote:


SENATOR SWYSGOOD'S MOTION THAT SB 378 DO PASS AS AMENDED CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: The meeting was adjourned at 2:27 p.m.



SENATOR LARRY TVEIT, Chairman



CARLA TURK, Secretary

LJT/cmt

2/14/95

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 14, 1995

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration SB 361 (first reading copy -- white), respectfully report that SB 361 do pass.

Signed: Sen. Tveit  
Senator Larry Tveit, Chair



Amd. Coord.  
Sec. of Senate

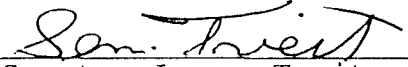
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SENATE STANDING COMMITTEE REPORT


Page 1 of 1  
February 14, 1995

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration SB 294 (first reading copy -- white), respectfully report that SB 294 do pass.

Signed:   
Senator Larry Tveit, Chair

 Amd. Coord.

 Sec. of Senate

381458SC.SRF

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 15, 1995

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration SB 245 (first reading copy -- white), respectfully report that SB 245 be amended as follows and as so amended do pass.

Signed: *Larry Tveit*  
Senator Larry Tveit, Chair

That such amendments read:

1. Page 2, line 5.

Strike: "10,000"


Insert: "11,000"

2. Page 2, lines 9 and 10.

Strike: subsection (c) in its entirety

Renumber: subsequent subsection

-END-

 Amd. Coord.

SA Sec. of Senate

391246SC.SRF

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 15, 1995

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration SB 205 (first reading copy -- white), respectfully report that SB 205 be amended as follows and as so amended do pass.

Signed: Sen. Tveit  
Senator Larry Tveit, Chair

That such amendments read:

1. Title, line 5.

Strike: "INCREASING THE ALLOWABLE WIDTH FOR REDUCIBLE LOADS;"

Strike: "SECTIONS"

Insert: "SECTION"


2. Title, line 6.

Strike: "AND 61-10-121"

3. Page 2, line 30 through page 3, line 24.

Strike: section 2 in its entirety

-END-

 Amd. Coord.

57 Sec. of Senate

391228SC.SRF



SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 18, 1995

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration SB 378 (first reading copy -- white), respectfully report that SB 378 be amended as follows and as so amended do pass.

Signed: Sen. Tveit  
Senator Larry Tveit, Chair

That such amendments read:

1. Title, line 7.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "69-12-103"

Insert: "AND 69-12-405"

2. Page 10, line 16.

Strike: "Section"

Insert: "Sections"

Following: "69-12-103"

Insert: "and 69-12-405"

Strike: "is"

Insert: "are"

-END-

87  
SA

Amd. Coord.  
Sec. of Senate

421010SC.SRF

Amendments to Senate Joint Resolution No. 9  
First Reading Copy

Requested by Senator Tveit  
For the Senate Committee on Highways and Transportation

Prepared by Connie Erickson  
February 14, 1995

1. Page 1, line 11.

Following: "200,"

Insert: "MT 13, MT 16, MT 24, and MT Secondary 232,"

SENATE HIGHWAYS

EXHIBIT NO. 2

DATE 2/14/95

BILL NO. SB 205

Amendments to Senate Bill No. 205  
First Reading Copy

Requested by Senator Tveit  
For the Senate Committee on Highways and Transportation

Prepared by Connie Erickson  
February 14, 1995

1. Title, line 5.

Strike: "INCREASING THE ALLOWABLE WIDTH FOR REDUCIBLE LOADS;"

Strike: "SECTIONS"

Insert: "SECTION"

2. Title, line 6.

Strike: "AND 61-10-121"

3. Page 2, line 30 through page 3, line 24.

Strike: section 2 in its entirety

Amendments to Senate Bill No. 245  
First Reading Copy

For the Senate Committee on Highways and Transportation

Prepared by Connie Erickson  
February 14, 1995

1. Page 2, line 5.

Strike: "10,000"

Insert: "11,000"

2. Page 2, lines 9 and 10.

Strike: subsection (c) in its entirety

Renumber: subsequent subsection

SENATE HIGHWAYS

EXHIBIT NO. 3A

DATE 2/14/95

BILL NO. SB 245

AMENDMENT TO SB0245  
AT THE REQUEST OF  
SENATOR SWYSGOOD

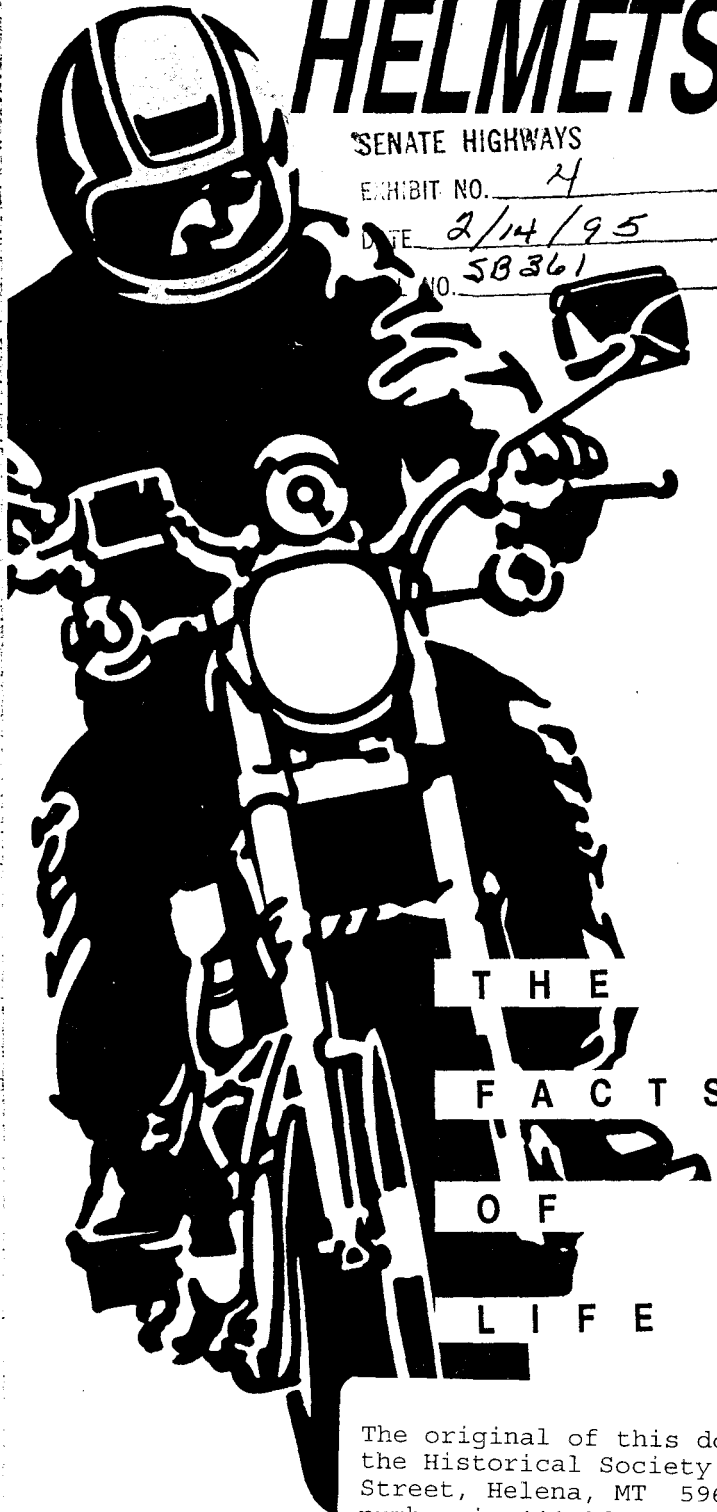
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AMENDING SECTION 2.

1. Page 2, Lines 9 and 10.

Following: "passenger buses," on line 8  
Strike: subsection (c) in its entirety.  
Renumber: subsequent subsections.

# MOTORCYCLE HELMETS



SENATE HIGHWAYS

EXHIBIT NO. 24

DATE 2/14/95

NO. 5B361

THE  
FACTS  
OF  
LIFE

The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

# ABATE OF MONTANA



SENATE HIGHWAYS

ENCL NO. 5

DATE 2/14/95

BILL NO. SB361

## • AMERICAN BIKERS AIMING TOWARD EDUCATION •

TO: SENATE HIGHWAYS COMMITTEE

FROM: JILL Z. SMITH-McGUIRE  
A.B.A.T.E. OF MONTANA LOBBYIST

DATE: 2/14/95

RE: SB-361

Mr Chairman, members of the Committee, Happy Valentines Day. For The Record, my name is Jill Z. Smith-McGuire. I am a volunteer Lobbyist for ABATE of Montana. ABATE is American Bikers Aiming Toward Education: what we are is a Non-Profit Organization Dedicated to the Promotion of Motorcycle Safety in Montana. We currently have approximately 1100 members Statewide. I speak for those members today.

SB-361 is basically a housekeeping bill. We have our own reasons for wanting to see this Legislation succeed. In our many dealings over the years with Mr. Goke's office, it has never been clear to us just who his program was responsible to report to. Every time our Safety Program (MMSEP) has been turned down for 402 (safety) funds, or in several cases, our requests were completely ignored, we were left wondering just where to turn to get a responsible answer as to why. Letters to the Attorney General and Governor's office still never seemed to explain just who Mr Goke was responsible to. This legislation would provide an answer to those questions.

Whenever a mandatory helmet bill was introduced before the legislature, Mr Goke would be there, testifying for the bill, and we were always left wondering "was this the position of the Attorney General/and /or The Governor?" not as far as we knew.

The last session when the mandatory headgear bill was heard, Mr Goke testified that he could not possibly use the 1.5 million dollars that would be transferred to his Safety Funds as a result of the helmet law not going into effect. The Committee asked Mr Goke if he had turned down funding The Montana Motorcycle Safety and Education Program in the past, and the reply was yes, he had, and couldn't he then provide this program with some funding?

**LET THOSE WHO RIDE DECIDE**

I have provided you with a proposed Budget for the 1.5 million, and as you can see, the MMSEP was again excluded, and Mr Goke instead included the creation of an off-road safety program.

Once again, who can we turn to?? There seems to be no one responsible.

Motorcycling was identified as a priority area under ISTEA. Mr Goke tells us that "We are not on his Radar" as a priority. We would like to offer an amendment to SB-361 that makes the Department responsible to identified priority areas, unless there is no demonstrated need.

The Department of Highways seems to be a positive, people oriented, planner, always having sought community input to projects. We believe this would be a productive move for Mr Goke's office.

Please vote "do-pass" on SB-361, and consider the amendment we have offered.

Thank You.



EXHIBIT NO. 5DATE 2/14/95BILL NO. SB 361

**PROPOSED FEDERAL FUNDING  
FEDERAL FISCAL YEAR 1995 (10/1/1994-9/30/95)**

AMOUNT	LOCAL BENEFIT	PROBLEM AREA
		<b>TRAFFIC RECORDS - \$985,000</b>
\$110,000	\$60,000	Montana Highway Patrol accident records automation
75,000		Accident records equipment and software (MHP)
60,000		Digitize Motor Vehicle Driver Records (Motor Vehicle Div)
121,222	60,611	Mobil data plan and demo. Montana Highway Patrol in conjunction with a local law enforcement agency.
650,000	155,000	Montana Department of Trans- portation developing a Geographic Information System to upgrade the Highway Information System used now.
		<b>ALCOHOL \$365,000</b>
175,000		Montana Highway Patrol in-car video
390,000	390,000	Local law enforcement in-car video
		<b>MOTORCYCLE SAFETY \$50,000</b>
50,000		Fish, Wildlife & Parks Dept. Off-Road Vehicle Training
<b>1,631,222</b>	<b>665,611</b>	<b>TOTALS</b>

EXHIBIT NO. 7

DATE 2/14/95

BILL NO. SB 361

## AMEND SB 361 AS FOLLOWS:

## 1. Page 2, line 20.

Following: "prevention,"

Insert: "(d) utilize a portion of federal grant money for safety programs first for federally recognized priority areas, such as motorcycle safety training through the Montana motorcycle safety education program, unless there is no demonstrated need."



SB294 Fertilizer Spreader Bill  
Sen. Arnie Mohl, Sponsor

The Montana Agricultural Business Association supports SB294 which makes all fertilizer spreader equipment SM vehicles for registration and licensing purposes only. It does not exempt them from any safety requirements or the commercial drivers license--which are not required for other SM equipment. That is the reason for the separate paragraph and the two sections of law referenced in Section 1 of this legislation.

This legislation was prompted not by monetary considerations but by a frustration among fertilizer dealers and applicators with the confusion in licensing requirements for spreader equipment. Now, how it is licensed depends on:

- whether it is a truck or trailer
- whether it is empty or full as it travels to the field the first trip in the morning.
- whether it is on a truck or tractor chassis
- whether it has large floater tires or regular tires

The other members of the Montana Agricultural Business Association Transportation Committee worked out this legislation with the Montana Departments of Transportation and Justice in meetings this past year.

Three other important notes:

1. If this equipment were owned by a farmer, it would be an implement of husbandry just like a tractor. And, in some other states, this equipment is an implement of husbandry. However, officials in the Montana Departments of Transportation and Justice preferred we not do that in Montana.
2. To license all fertilizer spreader equipment at 35% GVW as spreader trucks now are supposed to be licensed is not at all practical. Those spreader "trucks" that are built on a tractor chassis do not come with titles needed to obtain a license. Some dealers have spent hours and hours and been stymied in trying to get a title--and those spreader "trucks" already are being categorized as SM equipment. So, the common category of SM equipment was agreed on.
3. The fertilizer tender trucks--those that go back and forth on highway to refill spreader equipment are not included in this legislation. They are licensed with full GVW fees as any commercial truck traveling down the state's highways.

This bill also eliminates a conflict in state law. Currently, state law says fertilizer spreader trailers are SM equipment in Section 1 of this bill, and it says they are to be licensed with 35 per cent GVW fees in Section 2 of this bill. References to

fertilizer spreader trailers in both sections are eliminated and replaced by the new language in Section 1.

The GVW fees that will be reduced go to the Motor Carrier Services Division. I understand that Dave Galt, the division administrator, will be testifying in support of this legislation today.

We respectfully ask that you pass this legislation.

February 14, 1995

Statement on SB 378 to the  
Senate Highways and Transportation Committee  
Montana Motor Carriers Association

Mr. Chairman and Members of the committee. For your record, I am Ben Havdahl, representing the Montana Motor Carriers Association. MMCA would like to go on record in support of SB 378.

MMCA has some 450 motor carrier members. Many of those members are, or have been operating as regulated intrastate motor carriers under a certificate of public convenience and necessity granted by the Montana Public Service Commission.

The regulated systems provides for motor carriers to operate as a quasi public utility defined under authority by law. The certificate granted by PSC contained a basic requirement for motor carriers to serve, upon demand and without prejudice, all shippers of the commodities, within the scope of their authority.

In exchange for this requirement, the PSC would approve the rates to be charged and restrict the number of carriers who would in turn serve those shippers. The test for issuance of new authorities to carriers wanting to transport regulated commodities was centered around public need and convenience.

The law, adopted more than 60 years ago was effective July 1, 1931 and has served well in establishing and sustaining a motor carrier transportation system in Montana. MMCA was founded in 1939 and has maintained a standing policy supporting the continuation of a regulated intrastate motor carrier system.

Now with the action by the Congress, effective January 1 of this year, as you have heard from prior testimony, the regulated system of motor carrier transportation has been changed dramatically.

Only three classes of commodities remain regulated, household goods, passengers and garbage, because carriers deal directly with consumers.

With that change, has come the change of a long standing policy position by MMCA for continued support of intrastate motor carrier regulation under PSC. The new policy was adopted on January 5 of this year following the action by Congress and the dismissal of the lawsuit in the federal court.

The policy was not aimed at seeking the deregulation of regulated intrastate motor carrier operations that were not affected by the federal law including the three mentioned, household goods carriers, passengers, and garbage.

SB378 is not a deregulation bill per se. It represents a "downsizing" of the scope of economic regulation under the PSC, providing for the continued regulation of those carriers not affected by the federal law.

That law allows for the continued involvement by PSC in limited areas of regulation including safety, financial responsibility of carriers including the filing of proof of insurance by heretofore regulated carriers.

The 1985 Legislature transferred the lead agency authority in PSC for the enforcement of motor carrier safety to the Department of Justice. The requirement for insurance filing in PSC, remains there for the intrastate carriers that will remain regulated whether or not SB378 passes.

MMCA Board voted to support transferring the "Single State Registration Program", now authorized for interstate carriers under still a different federal law which replaced the so called "bingo stamp" registration system.

The base state issues one receipt to each carrier, copies of which are kept in the cabs as proof of registration of insurance when operating in other states. SB 378 transfers the administration of the SSRS program from PSC to the Motor Carrier Division of the MT DOT.

The bill specifically provides that the MT DOT may enter into written agreements with other states to allow for the reciprocal state registration of interstate or international motor carriers which heretofore were entered into by PSC.

It also requires MT DOT to enforce the identification of ownership of certain motor vehicles no longer under the jurisdiction of PSC and grants rule making authority to the department.

SB378 is consistent with the policy changes made by MMCA and we want to support its passage. We would urge this committee to vote a do pass on the bill. Thank you.

SENATE HIGHWAYS

EXHIBIT NO. 9A

DATE 2/14/95

BILL NO. SB 378

NAME Jim Leiter

ADDRESS 6767 Linda Vista Blvd. Missoula, MT 59802

HOME PHONE 251-5937 WORK PHONE 728-9572

REPRESENTING MONTANA Solid Waste Contractors Assn

APPEARING ON WHICH PROPOSAL? SB 378

DO YOU: SUPPORT X OPPOSE        AMEND       

COMMENTS:

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### WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

SENATE HIGHWAYS<sup>P.01</sup>EXHIBIT NO. 10  
DATE 2/14/95  
BILL NO. SB 378*Soil Remediation Services Inc.*

P.O. BOX 2903 GREAT FALLS, MONTANA 59403 PHONE 406-761-3512 FAX 761-4503 TOLL FREE 1-800-924-3512

Senate Highway &amp; Transportation Committee FEB 14, 1995

Dear Senator Larry Tveit,

I have just become aware of a bill that will be heard before the Senate Highway and transportation committee.

The amount of bills that pass through any given legislative session makes it difficult to stay abreast of situations that may affect my company. My short notice on Senate Bill 378, prevents me from making it to the hearing on 2/14 at 1:00 pm in Helena to register my objection to areas of the language in SB 378.

In particular the references to landfarms and the hauling of materials such as petroleum contaminated soils and media. The PSC regulation of these media will put an additional expense on the generator and the state. This regulation will also prevent the cleanup operator from hauling the contaminated media to a licensed land farm and require him to look for a trucker with PSC authority. In remote areas or smaller towns the excavator will have to surrender that portion of his income. This will be counter productive to small business by adding unnecessary expenses and paper work through regulation and counterproductive to the environment by holding up some remediation projects.

There are also areas in this language that would assume the petroleum contaminated soil to be a waste product destined for disposal. I can assure you as one of Montana's first licensed landfarm facilities this is not necessarily the case.

For further information or clarifications please do not hesitate to call. My # 1-800-924-3512

Sincerely

Roger Bessler      Soil Remediation Services Inc.



Amendments to Senate Bill No. 378  
First Reading Copy

For the Senate Committee on Highways and Transportation

Prepared by Connie Erickson  
February 14, 1995

1. Title, line 7.  
Strike: "SECTION"  
Insert: "SECTIONS"  
Following: "69-12-103"  
Insert: "AND 69-12-405"

2. Page 10, line 16.  
Strike: "Section"  
Insert: "Sections"  
Following: "69-12-103"  
Insert: "and 69-12-405"  
Strike: "is"  
Insert: "are"

{Internal References to 69-12-405: None.}

DATE 2-14-94

SENATE COMMITTEE ON Highway

BILLS BEING HEARD TODAY: SB 294 SB 361  
SB 378

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill	Support	Oppose
		SB No. 378	<input checked="" type="checkbox"/>	
Dave Deth	MDT	SB 294 SB 361	<input checked="" type="checkbox"/>	
Al A. [unclear]		HB 360	<input checked="" type="checkbox"/>	
Bud Schoen	Motor Vehicle Dev.	SB 294	<input checked="" type="checkbox"/>	
Ben Hardahl	MT Motor Vehicle Assn	SB 378	<input checked="" type="checkbox"/>	
DAL Smilie	Am Motorcyclist Assn	SB 361	<input checked="" type="checkbox"/>	
F. MONTGOMERY	Self	SB 361		<input checked="" type="checkbox"/>
Harold Hansen	Self	SB 361		<input checked="" type="checkbox"/>
Barbara Bremner	Self	SB 361		<input checked="" type="checkbox"/>
Craig Reap	MHP	SB 361		
Nancy K. Jovin	DWI Task Force Ravalli	SB 361		<input checked="" type="checkbox"/>
Brenda Nordlund	Dept Justice	SB 294	<input checked="" type="checkbox"/>	
Dave Ashley	DGA	SB 361	<input checked="" type="checkbox"/>	
Bill WARE	Chief Vol. Police & MAAOP	SB 361		<input checked="" type="checkbox"/>
Jill McGuire	ABATE OF MT	SB 361	<input checked="" type="checkbox"/>	

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2-11-94

SENATE COMMITTEE ON

Highways

BILLS BEING HEARD TODAY:

SB 294SB 361SB 378

&lt; ■ &gt;

PLEASE PRINT

&lt; ■ &gt;

Check One

Name	Representing	Bill No.	Support	Oppose
<u>Agnes Mc Caffee</u>	<u>PSC</u>	<u>378</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Pat Saindon</u>	<u>MDT</u>	<u>361</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Pam Langley</u>	<u>MABA</u>	<u>294</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Vester Wilson</u>	<u>BRD</u>	<u>378</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Marc W. Johnson</u>	<u>Flathead Disposal</u>	<u>378</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Boh Johnson</u>	<u>Mission Valley Dis</u>	<u>378</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>MATVIN E MINTYALA</u>	<u>MISTER M DISPOSAL</u>	<u>378</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Joe Mustey</u>	<u>Dillon Disposal</u>	<u>378</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Tim Balayir</u>	<u>NW Disposal</u>	<u>378</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Don Sparrow</u>	<u>City County Sanitation Helix</u>	<u>378</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Lee Weengachner</u>	<u>MT Solid Waste Corp</u>	<u>378</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Jim Luter</u>	<u>MT Solid Waste Contn</u>	<u>378</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Henry G. Hoge</u>	<u>New Haul Garbage</u>	<u>378</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Donna Peterson</u>	<u>Pet County San.</u>	<u>378</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2-14-94

SENATE COMMITTEE ON Highways

BILLS BEING HEARD TODAY: SB 294 SB 361

SB 378

< ■ >

PLEASE PRINT

< ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Doug Sparrow	City County Gen	378	✓	
Alan Stacey	Stacey T/S	378	✓	
Jerome Anderson	MT. PASADENA CARRIERS	378	✓	
Dale A Duff	MT. PASADENA + WAREHOUSE A/S Wholesale Rocky Mtn Transp	378	✓	

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY